

MINUTES OF THE MEETING OF THE COLLEGE TOWNSHIP BOARD OF SUPERVISORS
HELD APRIL 4, 1972

The regular meeting of the College Township Board of Supervisors was held on Tuesday April 4, 1972, at 7:30 P.M., in the Municipal Building. All Supervisors were present.

Minutes of the previous meeting were read. Mr. Katz asked that the minutes be corrected on page 5, paragraph 4, to read as follows:

"significant capital will be contributed to the College-Harris Joint Authority for the purpose of putting in an extension of the sewer line in that area."

The minutes were approved as corrected.

The Treasurer's report was read and approved as follows:

Balance for March 1, 1972	\$17,549. 07
Deposits	<u>9,148. 13</u>
Total	26,697. 20

The Board approved payment of bills in the amount of \$3,794.60, leaving a balance for April 1, 1972 of \$22,902.60. Mr. Skinner moved to approve the Treasurer's report. The motion was carried.

BUSINESS

Mr. Williams said that a fire agreement with the Alpha Fire Co., which is now the regional fire company, was being studied by the Township solicitor. Mr. Skinner said that this appeared to be a good agreement.

Mr. Williams said that a public hearing would be held to change the definition of a family under the building code and the zoning ordinance. The ordinances will be amended to define a family as any number of related persons, or no more than three unrelated persons. The building code and the zoning ordinance are not in agreement on this point. Mr. Skinner said that this will prevent a large number of people from living in one dwelling unit.

The supervisors discussed return of the code system fines to the Code Enforcement Agency. Since the surrounding municipalities had not agreed on this, Mr. Skinner made a motion that the fines from the code system be kept in the Township. Mr. Weaver seconded the motion. The motion was carried unanimously.

Mr. James Reese asked if the system of code enforcement was really effective. He felt that local contractors abide by the codes, but out of town contractors ignored them. Mr. Williams said that he felt the system was effective. Mr. Reese asked if the codes could be enforced legally; Mr. Williams said that he felt they could be enforced.

The supervisors considered the fire training site cost overrun and the phase I expansion proposal. The cost overrun was \$6,000 for lumber. Originally, the lumber had been donated and later the fire company was billed for the lumber. Also, a second floor was to be added to the facility at a cost of \$6,000. The second floor was to have been added at a later date. This made a total of \$12,000 over the original cost. The fire company would pay \$6,000 of this amount, and the balance would be paid by the participating municipalities. College Township's share of this cost would be \$810.00, which could be paid at a later date. Mr. Skinner moved to pay this amount (\$810.00) now. Mr. Weaver seconded the motion and it was carried unanimously.

The Supervisors referred a request for rezoning from James Reese to the Planning Commission. The property is owned by James Reese and located at the corner of Squirrel Drive and East College Ave. The area is zoned C-1, General Commercial; the proposed change would rezone the land to R-3, Medium Density Residential.

The Supervisors agreed to accept the following roads:

Clover Rd.	205' x 80'
Hawthorne Dr.	1196.79' x 50'

Greenbriar Dr.	1235'x50'
Seneca Circle	569.28' x 50'
Hunter Ave	150' x 50' (extended)
Mayberry Lane	910' x 50' (extended)

The Supervisors agreed to vacate a portion of an old state road on the Kenneth Walker property. A public hearing will be held, and the road will revert to the property owner.

It was agreed that further study was needed on the Regional Automobile Service Station Conditional Use Permit Ordinance.

A letter had been received from John W. Blasko, Attorney for the Witmers, owners, and developer of the Branch Rd. Shopping Center, indicating that they had requested water service from the State College Water Authority. Mr. Blasko asked the Supervisors to indicate, in writing, a request for the extension. Mr. Williams said that the Township Soliciter had written to the Water Authority requesting service provided that the extension meets all requirements of the Township's existing ordinances, as well as those of the State College Water Authority and the Commonwealth of Pennsylvania, as the latter may apply. Also, that there be no expense whatsoever to the Township.

Mr. Williams asked Mr. Granlund to report on progress made on the Functional Sewer Plan. Mr. Granlund said that he had no progress to report.

Mr. James Reese asked about the status of the old turnpike road. Mr. Williams stated that it was not a Township road, and he said that he did not know who owned the road.

The Centre Regional Planning Commission requested permission to hire another planner. Mr. Williams explained that the commission was faced with a very heavy workload, and he felt that another planner was

needed at this time. He explained that it would not involve an additional appropriation, since the Planning Commission had planned to hire a planner in June. Mr. Skinner made a motion to hire the planner for one year, since there would be no additional expense to the Township. Mr. Weaver seconded the motion and it was carried unanimously.

The Supervisors approved a Preliminary Plan for the Mount Nittany Terrace Subdivision.

Mr. Skinner said that he had a personal matter to bring to the attention of the Supervisors; he asked that the following statement be read in the minutes. The statement concerned a letter written by Mr. John H. Ziegler, a member of the Board of Adjustment, and published in the Centre Daily Times on March 14, 1972. The letter is as follows:

"First of all I want to state that as a resident of College Township I am unalterably opposed to the construction of the proposed shopping center at the intersection of Rt. 322 and Branch Rd. I believe the plans submitted can lead to nothing less than problems with traffic, bright lights, noise, the pollution that is associated with all local shopping centers and a definite decline in the aesthetic nature of the area.

Once again it is going to be a string of stores facing the highway with a maximum of landscaping because the former results in a measurable pecuniary return and the latter does not.

I also believe that boycotting any and all businesses even negotiating to locate in the proposed center could be a legal and powerful deterrent to completion in this case; however, I am no longer naive enough to believe that many residents of the area will sacrifice sufficient time, money or convenience to apply the required pressure to get this done "

Mr. Skinner made the following comment on this statement:

"As I understand it, the Board of Adjustment is for all practical purposes an arm of the court. Any appeals from its judgments must be made directly to the court and do not come before the Supervisors. Therefore anything that may be said of members of the court can be said of members of the Board of Adjustment. In this public statement, Mr. Ziegler has stated very strongly that he dislikes everything about the proposed shopping center. He has for all practical purposes called for a boycott of the proposed center. This is hardly the proper conduct for a member of a court before whom some request for adjustment may come in the not too distant future. If Mr. Ziegler has stated his opinion before the fact in this case, it might well follow that he will do the same in other cases. A court should be impartial and a judge should never express a personal opinion on anything that may come before him for adjudication. He might discuss legal aspects of a case, but never a personal opinion to the extent of calling for a boycott.

It is my firm belief that by this public statement Mr. Ziegler has destroyed his value as a member of the board on which he serves and that he should resign from the board. At the very least, he has completely disqualified himself from ever passing judgement on any request that comes before the board concerning anything in the proposed shopping center."

In reply to Mr. Skinner's statement, Roger Granlund asked why the entire letter written by Mr. Ziegler had not been read. Mr. Granlund said that the second half of the letter supported the supervisors action. He further stated that he felt Mr. Ziegler had a perfect right as a private citizen to express his opinion on any issue.

Also, he felt the letter was not a statement by the Zoning Hearing Board; it was Mr. Ziegler's personal view of the matter. Mr. Granlund said that in his opinion the Township Zoning Hearing Board was better than any in the area and perhaps in the state. Mr. Williams and Mr. Weaver agreed with the statement made by Mr. Granlund.

Mr. Earl Kelly asked if the Township had an ordinance on firearms. He was advised to call the game warden if anyone was shooting within 500 ft. of an occupied property.

Mrs. Jochen asked if the Supervisors had decided how to handle property owners who had not connected to the sewer. Mr. Williams said that no decision had been made on this matter.

Mr. Reese stated that he was concerned about the water supply in the Township. Recently, he said that a large industry had decided not to locate in the Township since water was not available. Mr. Reese said that he felt the water situation was a critical problem, and it must be resolved if the Township is to continue to grow. In reply to Mr. Reese, Mr. John H. Mitchell Jr. said that the water company does have water available, but they do not have the huge quantity needed by some commercial and industrial users. Also, he stated that the water company could not get a rate increase unless they were operating at a deficit.

Mrs. Brown asked Mr. Katz if he knew who held the lease on the Witmer property prior to September 30, 1969. He replied that he had only been representing the company (Canadian Pacific) for the past six months and did not have the answer to her question. He suggested that she contact the company for the information she requested.

There being no further business the meeting was adjourned at 8:30 P.M.

Respectfully submitted
Lester M. Weaver, Secretary