COLLEGE TOWNSHIP COUNCIL
REGULAR MEETING
THURSDAY, AUGUST 11, 1983

A regular meeting of the College Township Council was called to order on Thursday, August 11, 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: Beulah Houser - Administrative Assistant

Open Discussion

None.

Minutes of Previous Meetings

The Minutes of the Special Meeting of July 5, 1983 were approved with the following correction: page 3, last paragraph, first sentence was corrected to read: ". . . as a result of various items not included in the contract, involving additional construction costs."

The Minutes of the regular Meeting of July 14, 1983 and the regular Meeting of July 28, 1983 were approved as distributed. Dean moved; Taricani seconded.

Manager's Update

The Manager's written update was reviewed briefly.

Financial Report

Following Bailey's motion and Taricani's second, the Financial Report was accepted unanimously.

Correspondence 1 - The Greening of Lemont

A letter dated July 1, 1983 had been received from Township resident Ronald A. Smith advocating two improvement projects for "downtown" Lemont; (1) the planting of replacement trees and (2) the repair and/or installation of sidewalks.

After brief discussion it was decided to refer this letter to the Manager for his examination and recommendations as well as to both the Township and the Centre Regional Planning Commissions. The Manager was also instructed to send a brief reply to Mr. Smith.

Correspondence 2 - Lemont Village Association

The president of the Lemont Village Association, Shirley LeFrancois, has written a letter, dated July 9, 1983, urging the Council members to remain sensitive to the historic nature of the Village during their deliberations over, or amendments of, the Township's Building Codes.

Planning Commission Recommendations

It was noted that two site plans, the Site Plan for the Beman Enterprises Auto Repair Shop and the Site Plan for the Dixon Shop and Apartment, were recommended for approval to the Zoning Officer at the Planning Commission's latest meeting on July 28, 1983.

Plans for Approval - Wilbur Spicer Subdivision, Preliminary/Final Plan

Uni-Tec Engineers Pat Ward and Thomas Songer presented the Preliminary/Final Plan for this two-lot subdivision located in Oak Hall. The purpose of this subdivision, Songer explained, is to allow the two separate residences on this lot to be sold individually.

Songer said that the Planning Commission had earlier recommended the Subdivision's approval; Bob Watkins of the Centre Regional Planning Commission stated that all his comments had been addressed.

Taricani noted that the Subdivision would create two conforming lots; upon one lot, however, would exist one non-conforming building. The only problem that might arise from this situation, she noted, is that a variance would be needed should the homeowner desire to alter or add onto the building.

Taricani then moved that the Council approve the Preliminiary/Final Plan of the Wilbur Spicer Subdivision, dated July 27, 1983, with the stipulation that the 50 ft frontage requirement be waived for Lot Two. Stewart seconded and the motion carried.

Plans for Approval - Gordon Kissinger Subdivision, Final Plan

Pat Ward of Uni-Tec presented the Final Plan for this four-lot Subdivision located on Branch Road behind the Hills Plaza Shopping Center.

The Final Plan is the same as the previously approved Preliminary Plan, Ward said, except for the much debated intersection at Brookline Drive and Branch Road. The location of that access remains the same, Ward explained, but the width of the road has been increased from 24 to 28 ft and the radius has been increased from 20 to 30 ft. A center island has also been added.

Dargitz commented that the new design is a big improvement over the original plan. He complimented Ward (as did the other members) on his cooperation and also

said that the Council is aware that much of the earlier confusion was caused by PennDOT. He added that a letter from PennDOT regarding Uni-Tec's application had been received.

Dean then moved and Taricani seconded that Council approve the Final Plan of the Gordon Kissinger Subdivision dated August 8, 1983 with no revisions, contingent upon (1) the Developers' supplying a Surety Bond, (2) the Developers' amending their existing permit and (3) the removal of Note #19 from the plan. There was no further discussion and the motion carried unanimously.

Plans for Approval - Penn Hills PRD, Section 10-A

Pat Ward presented, for Council's approval, Section 10-A, a three-lot section of the Penn Hills PRD. Approved several months ago as part of the revised Master Plan, this Section was resubmitted due to the relocation of some storm sewers and the addition of several notes to the plans.

Bob Watkins, of the Centre Regional Planning Commission, said that he had no problems with this Section's approval. Chairman Dargitz said that Manager Lechner had recommended to him that the plans be approved contingent upon the acquisition of a Surety Bond.

Bailey then moved that Council approve the Final Plan for the Penn Hills PRD, Section 10-A, last revised August 9, 1983, contingent upon the Developers' providing a Surety Bond satisfactory to the Township. Dean seconded; the motion carried; and the requisite signatures were secured.

Plans for Approval - Walker Farm PRD

Per the written request of Pat Ward, this plan was withdrawn from consideration due to his clients' on-going negotiations with PennDOT regarding the ultimate disposition of the property. Once an agreement is reached, Ward advised, the plan will be resubmitted for approval.

Plans for Approval - Spring Creek Estates, Phase V, Final Plan

The Final Plan for Spring Creek Estates, Phase V, was next presented for Council's approval by Pat Ward. He advised that this final version is identical in all respects to the previously approved Preliminary Plan.

There being no discussion, Taricani moved and Bailey seconded that Council approve the Final Plan for Phase V, Spring Creek Estates, dated August 8, 1983, provided that a Surety Bond satisfactory to the Township be provided and that the $70 application fee for review of the plans be paid. The motion carried.

Business 1 - Zimms Restaurant

Pat Ward, along with Tom Songer, presented Cal Zimmerman's request to reopen

the old section of Gerald Street to be used as a private one-way-up driveway for his restaurant now under construction. The reason for this driveway, Songer explained, would be to promote traffic safety, especially for those motorists turning left towards Bellefonte.

Dargitz offered another option. While agreeing that the road be made one-way-up, he suggested that it be retained by the Township to allow for the prosecution of traffic violators.

Both Dean and Taricani were concerned about the liability in which the Township would be placed should private construction take place in the Township's right-of-way.

Following the discussion of several other alternatives, Dargitz suggested that the issue be brought to the attention of both the Township Planning Commission and the Centre Regional Planning Commission for their review and recommendations. All agreed, and Taricani advised that the Council's comments also be passed on to the two commissions.

Business 2 - Signatures on Ordinance 65-B

The requisite signatures were secured for College Township Ordinance 65-B (amendments to the BOCA Building Code), which was adopted at the July 28, 1983 meeting.

Business 3 - Consideration of a Replacement for Joe Meyer on the Township Planning Commission

Dargitz advised that Joe Meyer has tendered his resignation from the Planning Commission and that a replacement must be sought. He suggested that the individual members consider potential candidates for their nomination at the next Council meeting.

Dean moved that Council write a letter of appreciation to Mr. Meyer with thanks for his ten years of service. Taricani seconded and the motion carried.

Business 4 - Hesser Brothers' Occupancy of Tent

Dargitz introduced Centre Regional Code Administrator Jim Quigley and asked that he outline the circumstances leading to the dispute.

Quigley said that on May 9, 1983, a 90-day permit was issued to the Hesser Brothers enabling them to occupy a tent (off East College Avenue near the Nittany Mall) until August 9, 1983. Problems arose with that tent, however, and it had to be replaced. The second tent also required replacement; the expiration date on the permit for the third tent was October 25, 1983.

It was later realized that the October 25 expiration date was in error. Due to pending legislation before Council regarding tents and other types of temporary structures, the expiration date should never have been extended.

The tent is perfectly safe, however, and Quigley believes that the Hesser Brothers should be issued an extension for 30 days, allowing them to operate until September 6, 1983. This period of time is appropriate, he said, as it is now being considered by the Planning Commission as the maximum permit time for any temporary structure.

Merrill Evey, the Attorney for the Hesser Brothers, spoke next. He agreed with Quigley's synopsis, but disagreed with his analysis: it is the Hesser Brothers' contention that since they paid a fee for, and were indeed issued a permit allowing them to operate until October 25, they have the right to do so. In the spirit of compromise, however, they would be willing to [redacted] their occupancy CN [redacted] September 6.

Dean hailed the compromise as an equitable solution and moved that the Council recommend to Mr. Quigley that the permit for the Hesser Brothers be extended until September 6, 1983. Taricani seconded; there was no further discussion and the motion carried.

Other Business - Shorter Route to the Hospital

Stewart moved, Taricani seconded, and all agreed that the Township support the construction (by PennDOT) of a temporary road to connect Puddintown Road with the uncompleted State College Bypass to allow quicker and easier emergency access to the Centre Community Hospital.

Other Business - Revenue-Raising Referendum

As a result of his concern over the lack of resident attendance and participation at the Township's mercantile tax hearings, Dargitz proposed that a referendum regarding that issue be placed on November's ballot. He suggested that the referendum be non-binding and advisory only. The purpose of this referendum, Dargitz explained, is to give the resident the opportunity to vote his/her preference for either increased real estate taxes or the imposition of a mercantile tax in the event that increased revenues become necessary.

Although generally opposed to referendums, both Taricani and Dean said they would support this one.

Lemont resident Elvira Meyer said she is in favor of the referendum; many people, she noted, especially those on fixed incomes, do not get the chance to attend Council meeting to air their views.

Chris Exarchos suggested the addition of a third option: that the Township cut back on its services. He emphasized that in order to keep the question bias-free, much thought and consideration must go into the wording.

After a short discussion on the hows, whys and wherefores, Bailey moved and Dean seconded that the Council request permission to add the referendum -- whether as proposed or modified -- to the November ballot. The motion carried.

Committee Reports

Stewart reported that the Public Services Committee has completed its study on the feasibility of studying a regional police force. "From now on, the study will start."

Taricani said that the Executive Committee was recently confronted by the problem of what constitues a forum. She and Tom Kurtz will draft a memo addressing this issue.

Dean remarked that the Fire Station parking lot paving seems to be more extensive than the site plans had indicated. Dargitz suggested that Carl Fairbanks attend the next Executive Committee meeting to present a status on the Fire Station.

Bailey, of the MPO Committee, reported on the discussions involving the proposed Waddle Interchange. He outlined the various construction and funding options available.

At the Transportation Committee, Bailey said, two items were discussed: the over-sized Greyhound bus sign and the failure of Trailways to remit on-time rent paymetns.

Bailey is also the Representative of Council to the IDA; he said that the Brookline Associates' proposal was tentatively approved.

Dean, a member of the Codes Committee, mentioned that he had met earlier that day with Jim Quigley and Borough Council member Felicia Lewis to discuss occupancy in rental units. He said that overoccupancy is a problem that the Township will also have to address. Enforcement of the occupancy law, he added, is the dual responsibility of the municipality's Zoning Officer and the Regional Code Director. A brief discussion of this problem by the Council members ensued.

Announcements

Dargitz announced that a letter from Attorney Ben Novak, dated August 3, 1983, had been received by the Council. Novak advised that the Centre County Court upheld the decision of the Township's Zoning Hearing Board in the Robert Ishler case.

Adjournment

Following Taricani's motion and Dean's second, the meeting adjouned at 9:20 pm.

Respectfully submitted,

C. Thomas Lechner
Manager

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