

COLLEGE TOWNSHIP COUNCIL
REGULAR MEETING
DECEMBER 9, 1982

A Regular Meeting of the College Township Council was called to order at 7:34 p.m. on Thursday, December 9, 1982 at the College Township Municipal Building.

MEMBERS PRESENT: Donald E. Bailey, Gale L. Dargitz, J. Carroll Dean, Herbert W. Stewart

MEMBERS ABSENT: Dolores A. Taricani

OTHERS PRESENT: C. Thomas Lechner, Manager

OPEN DISCUSSION

None.

MINUTES OF PREVIOUS MEETINGS

The Minutes of the Regular Meeting/Public Hearing--Revenue Sharing Fund Budget held on November 11, 1982 and the Minutes of the Public Hearing held on November 23, 1982 were approved unanimously. Dean moved; Dargitz seconded.

With regard to the Minutes of November 11, Dean proposed that Council add to the Agenda consideration of an amendment to the Subdivision Ordinance that would address the situation wherein a major subdivision was being developed in phases as was referred to on page 4, paragraph 3. Council agreed and the item was added to the evening's Agenda.

MANAGER'S UPDATE

Dargitz questioned the suggested rates listed on page 3, item 3 of the Manager's Update for the proposed Act 511 Mercantile Tax. Lechner corrected the proposed mercantile rate to read "up to a maximum of \$3500" and then asked Council to eliminate all mention of specific amounts until the taxes are taken into consideration at the December 23rd meeting.

Dean suggested that Township Solicitor Reed McCormick brief Council and Manager Lechner on the correct procedure to follow for the Township to take over Oak Hall's Grant and Liberty Streets.

TREASURER'S UPDATE

Manager Lechner presented the eleventh-month financial report for the ailing Treasurer Hayden. Dargitz moved and Stewart seconded that the Treasurer's Report be accepted as distributed. The motion was carried unanimously.

CORRESPONDENCE 1

A letter was received by Manager Lechner from PennDOT in response to his letter of November 15, 1982 regarding the South Atherton Street/Hubler Road traffic safety problem. Based on a traffic count study taken of July 21 and 22, 1981 and a review of the reportable accidents realized in the years 1978 through 1980, PennDOT refused College Township's request to lower the maximum speed limit through that area.

Both Lechner and Council were in agreement that PennDOT's study of the area was unsatisfactory as it was taken at a time of year when the University was not in full session and is thus not reflective of that area's usual traffic situation; furthermore, Lechner remarked that since 1978, reportable accidents have not included such telling incidents as "fender benders" and near-misses—information which is readily obtainable from State College Police Department. He is drafting a letter to this point and will await Taricani's comments before sending it on to PennDOT.

CORRESPONDENCE 2

A letter from PennDOT was received by Lechner suggesting that College Township remove or cover up the "No turn on Red" signs on the University Drive and Curtin Road Intersection for a trial period of 60 days.

It was agreed by Council to follow PennDOT's recommendation for the southern, eastern and northern arms of that intersection; however, due to the large amount of pedestrian traffic traveling from Curtin Road south onto University Drive, it was decided that a "Right turn on Green Arrow Only" sign on the western arm of that intersection would be in the best interests of traffic safety.

Lechner will write PennDOT informing them of Council's decision.

CORRESPONDENCE 3

The members of the Zoning Hearing Board informed Council of their unanimous decision to forego any compensation for their services during the past year. They asked that the money saved be applied toward the salary of the Recording Secretary.

Dean moved and Dargitz seconded that their generous offer be accepted, and the motion was carried unanimously.

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PLANS FOR APPROVAL

None.

BUSINESS 1

Manager Lechner informed Council that a Tax Anticipation Loan of up to \$40,000 would be needed to provide the necessary cash flow for the beginning months of 1983 until that year's tax revenues become available.

As suggested by Dargitz, Lechner will request that all bids for extension of the loan be submitted to Council in time for consideration at the December 29th Council meeting. Acceptance of a specific bid will be adopted by resolution at Council's Organizational Meeting on January 3, 1983.

BUSINESS 2

A letter was received from PennDOT requesting the Township to execute a Traffic Signal Agreement for maintenance of the proposed traffic signals at Park Avenue and University Drive and Park Avenue and Porter Road.

Lechner outlined the area in question for Council and noted that PennDOT's knowledge of the geography of the area is sketchy and what they termed Porter Rd. is, in fact, Fox Hollow Rd. He then estimated the average cost of maintaining a traffic signal per year to be in the range of \$400-500.

After a brief discussion on the probable effects of the proposed bypass on traffic flow, Dargitz moved and Dean seconded that Council approve a resolution authorizing the Township Manager and the Council Chairman to sign the Traffic Signal Agreement. The motion was carried unanimously.

BUSINESS 3

Manager Lechner informed Council that Elwood G. Williams Sr. has accepted the position of Emergency Civil Defense Coordinator for College Township for an indefinite term of appointment.

BUSINESS 4

Manager Lechner presented to Council an update on the proposed traffic signal light at Branch Rd. and S. Atherton Street based on a recent meeting attended by himself, State College Borough Officials, and Vasco Ordonez of the Department of Highways.

Lechner reported that the Borough took up the position that it would not get involved in any signalization of the area unless College Township were to also participate. Ordonez deferred to their demands, and stated that there probably exists enough traffic on W. Branch Rd. to warrant the additional signal. Within the next week or so, PennDOT will re-examine the area and take new traffic counts; if the need for an additional signal light can be substantiated, PennDOT

will then re-evaluate and make new recommendations for signalization of the intersection.

College Township's share of the costs would approximate 15-30% of the total local costs--the exact percentage--i.e., how much of the signal will fall on Township land--is yet to be determined.

Based on a total amount of \$66,000, the cost of the project will be equally divided between the Department of Highways and the local municipality(ies). Lechner was informed, however, that the cost of the project has increased considerably, but should not exceed the initial estimate of \$78,000.

In addition, Lechner remarked that the responsibility for maintaining the traffic signal should also be determined before proceeding with the project. He suggested that the Borough accept that responsibility in exchange for some type of remuneration from College Township.

Dean again speculated on the reason for the Borough's insistence that W. Branch Rd. also be signalized. Is their insistence based on an altruistic concern for traffic safety or does their concern stem from the fact that College Township "got off so lightly?"

Lechner reiterated that some sort of response is expected from PennDOT shortly, and that further Township action must await their decision. Once the project is under way, construction could be completed by the end of 1983. If the project is designed and ready for letting to bid by March 1983.

BUSINESS 5

Manager Lechner informed Council that, according to Township Solicitor Reed McCormick, the responsibility for the rats (or the eradication thereof) in the environs of Puddintown Road between Slab Cabin and Spring Creeks falls on the individual landowner.

It is McCormick's opinion that, under the State Crimes Code, Section 6504, the existence of the large colony of rats can be deemed a public nuisance, and the only responsibility of the Township would be to enforce that ordinance. The Township Solicitor--as an agent of the Township--can thus prepare a citation against the landowner, ordering him to correct the problem.

Dargitz suggested and Council agreed that it would be preferable if, at first, the Manager were to write a letter to the landowner requesting corrective action; should the landowner remain non-compliant, the Solicitor could take legal steps.

Dean added that the Manager should stress in his letter to the landowner that the rat colony represents a serious potential problem, and, while overnight results are not expected, a considerable amount of improvement should be seen over a period of time.

Council was in full agreement and instructed Manager Lechner to prepare a letter to the landowner informing him of his responsibility to control the infestation.

BUSINESS 6

At Bailey's request, Lechner prepared a list of those persons whose appointments to various Township Boards, Commissions, etc., are to expire at the end of the year. It is up to Council to decide which members to reappoint or replace, and all agreed to discuss these openings as part of the Agenda of the December 23rd meeting. After the Council has made its own determinations, it will—as a courtesy—request recommendations and/or possible replacement suggestions from the various boards or commissions. Final decisions will be made at the January 3rd Organizational Meeting.

BUSINESS 7

Dean moved and Dargitz seconded that the proposed Resolution of Intent as approved by the Centre County Solid Waste Authority be removed from the Table. The motion was carried unanimously.

In discussion, Dargitz stated that the above Resolution of Intent was worded in such a manner as to be unclear and incomprehensible, literally, "a mess." Moreover, in a letter he sent to the Authority dated December 6, 1982, Dargitz noted that the Authority's waste-to-energy project as outlined contained many vagaries as to technical feasibility, costs, and efficiency.

Thus, as a replacement for the Authority's Resolution of Intent, Dargitz submitted a draft of a Letter of Intent which calls for the Township to amend its Solid Waste Ordinance to provide that all solid waste collected by licensed haulers in College Township will be transported to the Centre County Solid Waste Authority's Dale Summit Transfer Station for the purpose of being disposed of at the Carlin Landfill Site. (It was noted that while the present Ordinance states that the Township will designate where the haulers go, no specific place is so designated in the Ordinance itself where it goes from the Solid Waste Station.) In the event another disposal facility is designated by the Authority, College Township will consider further amending its Ordinance at that time. (This clause enables the Township to keep control of costs should the Authority designate a disposal facility where the costs would be out of line.)

Dean remarked that the proposed Letter of Intent was certainly clearer than the Resolution of Intent proposed by the Authority, and moved that Council approve the Letter of Intent as submitted that night. Stewart seconded, and the motion was carried unanimously.

BUSINESS 8-A

Dean briefed Council on the most recent (November 8, 1982) change instituted by the Code Administration Committee regarding the adoption of the BOCA Basic Building Code, 8th edition, 1981: Should a conflict arise (of either definition or degree) between the provisions of the Code and a Municipality's own ordinance, the ordinance of the individual jurisdiction will prevail.

Six different ordinances are to be acted upon and a Public Hearing must be held relative to their adoption. They are repeal of the building code; the mechanical code; the plumbing code; the fire prevention code; the property maintenance code; and the electrical code.

It was agreed that the advertising of the Ordinances would be presented in summary form, and that the date for the Public Hearing would be established at a later time.

BUSINESS 8-B

In a letter to the members of the Code Committee, the Municipal Managers Committee (COG) recommended two modifications to the proposed Joint Articles of Agreement (Draft IV) for a Regional Building and Housing Code Board of Appeals.

Dean, a member of the Code Committee, took exception to the Municipal Managers' proposed revisions. In his opinion, item 1, suggesting a single, five-member Appeals Board for all codes rather than the previously proposed 15-member Board, poses several problems: 1) it presents the difficulty of deciding which Township appoints which expert member and 2) it does not recognize the need for permanent alternate members. Item 2, rejecting the use of the individual Township Managers as Secretaries to the Board when cases involving their Township were heard, in effect rejects the idea of having ample individual Township representation and would not provide for good feedback to the individual Municipalities. In addition, many of their arguments presented for rejection of the above were based upon fallacious reasoning.

Dargitz concurred with Dean on Item 2, but was in favor of the Municipal Managers' revised Appeals Board make-up. He believes the Regional Appeals Board as originally proposed to be too cumbersome, and, should the revised Board composition be adopted, agreement among the various Townships as to who would represent what could be arrived at without too much difficulty. He also felt there was room for compromise.

Although the Council must eventually pass a resolution establishing the Township's cooperation, further action must await the collective Townships' review at the General Forum.

BUSINESS 8-C

Dean moved and Dargitz seconded that Council approve a Resolution establishing revised Code Permit Fees as approved by the COG General Forum on November 15, 1982. These fees include Housing Permit Fees, Building Permit Fees, Demolition Permit Fees, Occupancy Permit Fees, and Fire Permit Fees (paid upon on-site inspection only).

The motion was carried unanimously.

BUSINESS 8-D

Dean moved and Bailey seconded an action authorizing the Council Chairman and Secretary to sign the Joint Articles of Agreement regarding the purchase of a parking lot serving the Alpha Fire Company. The motion was carried unanimously, albeit reluctantly.

BUSINESS 9

Dean moved and Dargitz seconded that Council adopt College Township's share of the COG Budget as revised and adopted by the General Forum on November 15, 1982. The motion was carried unanimously.

BUSINESS 10

No correspondence had been received as of December 9, 1982 of the State College Borough Council's position of State College Police Services.

Dargitz suggested that since the Borough has announced plans to raise its per officer rate beginning in 1984, College Township should reserve the right to reduce the number of hours it contracts to guard against the possibility of an overwhelming police budget. According to the stipulations of the contract, any changes in the agreement must be preceded by one year's notice.

Dean concurred, and noted the possibility that the Borough itself might request a waiver of the one-year-notice provision; in exchange, College Township could receive a waiver of its own permitting it to adjust the contracted hours to its budgetary requirements.

Dargitz then stated that a mutual waiver could not be guaranteed, and Dean replied that the Township's response would have to be based on the Borough's actions.

Council was in full agreement that the Township could not make a blind commitment on costs, and asked Dargitz and Lechner, who serve on the Police Contract Review Committee, to see to it that the Township's position is fully understood.

OTHER BUSINESS

Dean moved that Council direct the Planning Commission to prepare a recommended procedure for handling those situations where a major subdivision is being developed in phases—as is referred to in Subdivision Ordinance #71, Section 4, Subsection 4.1.1. Dargitz seconded, and the motion was carried unanimously.

COMMITTEE REPORTS

Stewart reported that the Public Services Committee meeting was cancelled for December.

Dargitz mentioned that he would be attending a Finance Committee meeting the next day.

Dean had previously discussed the activities of the Code Committee.

Bailey noted that the Transportation Committee had recommended to COG that the van for Senior Citizens be transferred to CATA, and that an agreement be worked out for the Parks and Recreation Department to use the van during the

summer months when CATA ridership is down.

Bailey also noted that the Route 144 subject is again being discussed. The Centre Hall/Pleasant Gap Community contingent is now in favor of the completion of the third phase of the State College Area Bypass as they realize that no funds will be available for their own bypass until the former is completed.

ANNOUNCEMENTS

A Public Hearing will be held on December 23, 1982 at 4:00 p.m. to adopt the Final Budget.

A Public Hearing will be held on December 29, 1982 at 7:00 p.m. to consider:

1. The proposed rezoning of all privately-owned University-zoned properties extending along North and South sides of East College Avenue from the Township boundary line to Puddintown Road.
2. Public comments on the proposed change of Oak Hall's now private Grant and Liberty Streets to public thoroughfares.
3. Proposed revisions to the present Sign Ordinance Number 40.
4. Fringe Benefit Amendments to the Township's Administrative Code, Ordinance 53.

ADDITIONAL BUSINESS

A field review was held recently between Lechner and a representative from the Department of Highways regarding the Department's "return of roads to the Township—turnback program." The area in question stretches from Branch Road from the Schoolhouse at Elby's to the traffic light at Intersection of Elmwood St. and Boalsburg Road and Pike Street.

Lechner and the PennDOT representative reviewed what must be done to make the turnback program acceptable to the Township, and PennDOT will confirm their intentions in writing.

Although Lechner is in agreement that the Township take back the above referenced roads once PennDOT has eliminated all deficiencies, he does not believe the Township should take back the three bridges in the area. Bridges are extremely expensive to replace; moreover, the Township is under no obligation to accept them. Council was in agreement and stated its full support of Lechner's position.

Bailey then noted that the aforementioned stretch of road does not entirely fall within the Township, and Lechner responded that he had already requested clarification from PennDOT.

ADJOURNMENT

Dargitz moved and Dean seconded that the meeting be adjourned. The motion was carried unanimously and the meeting was adjourned at 10:17 p.m.

Respectfully submitted,

C. Thomas Lechner

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