

**COLLEGE TOWNSHIP REGULAR  
COUNCIL MEETING MINUTES  
Thursday, January 19, 2012**

**ATTENDED BY -**

**COUNCIL:**

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

**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, Assistant Township Secretary

**CALL TO ORDER**

Chair Fryer called to order the January 19, 2012, Regular Meeting of the College Township Council at 7:05 p.m. followed by the Pledge of Allegiance.

**ANNOUNCEMENT:**

Chair Fryer announced that Council met in executive session immediately prior to Council's Regular Meeting to discuss a legal matter.

**OPEN DISCUSSION:**

Ms. Sue Smith, Dale Street, Lemont, invited all to attend the League of Women Voters' "Saving The Planet" meeting at the College Township Municipal Building on Sunday, January 22, from 2:00 PM to 4:00 PM.

**MANAGER'S UPDATE:**

Mr. Brumbaugh presented the January 19, 2012, Manager's Update and requested Council concurrence or comments on Wal-Mart Stores v. Centre County Board of Assessment Appeals No. 2011-4964 relative to the determination of the assessed value of the subject Wal-Mart Stores property. Council concurred with Centre County's recommendation of settlement at \$24,000,000, which would yield an assessed value of \$6,744,000.

**CONSENT AGENDA:**

**CA-1 Minutes:**

- a. Dec. 15, 2011, Regular Council Meeting
- b. Jan. 3, 2012, Reorganization Meeting
- c. Jan. 5, 2012 Regular Council Meeting.

**CA-2 Correspondence:**

- /1: Letter from Centre County Board of Commissioners, dtd Dec. 29, 2011, regarding 2012 County Liquid Fuels Application.
- /2: Email from K. Scott, dtd Jan. 8, 2012, subj: Villas at Happy Valley.
- /3: Email from K. Cox, dtd Jan. 7, 2012, subj: The Development.
- /4: Letter from Sweetland Engineering, dtd Jan. 12, 2012, re: Preliminary/Final Land Development Plan for the Happy Valley Brewing Company.
- /5: Email from T. Daugherty, dtd Jan. 12, 2012, subj: The Retreat.
- /6: Email from M. Ammerman, dtd. Jan. 13, 2012, subj: The Villas at Happy Valley.
- /7: Email from H. Fink, dtd Jan. 13, 2012, subj: Re: Villas.
- /8: Email from S. Nearhoof, dtd Jan. 15, 2012, regarding The Retreat PRD.
- /9: Email from D. Barletta, dtd. Dec. 26, 2011, subj: The Villas at Happy Valley 12/26/11.
- /10: Letter from M. Shigley, dtd Jan. 18, 2012, regarding The Retreat PRD.

**Ms. Shoemaker moved to accept the January 19, 2012, Consent Agenda, as presented.**

**Mr. Klees seconded the motion.**

**Motion carried unanimously.**

**OLD BUSINESS:**

**OB-1 The Retreat At State College Planned Residential Development (PRD); Discussion**

**a. Transportation**

Mr. K. Baker, Township Engineer, presented the results of a traffic impact study of the South Allen Street and South Atherton Street vicinity prepared by Trans Associates. This study reviewed six potential options for improvements to the already-deficient intersections at S. Atherton Street and S. Allen Street and at S. Atherton Street and Westerly Parkway, the optimum being the realignment of S. Allen Street.

Mr. Nick Schaefer, Trans Associates, offered in-depth explanations into the six traffic improvement options and addressed Council questions.

Mr. Schaefer and Mr. Baker recommended Option 4 as the most cost-effective solution for improvement to the level of service. This would provide a southbound advance left-turn arrow from S. Allen Street onto S. Atherton Street, with the addition of a five-section signal head. This would likely cost under \$20,000. However, the best overall improvement that would also address safety issues would involve a widening of the intersection and realignment of S. Allen Street. In order for this improvement to occur, the developer's \$100,000 offer would need to be used towards an overall improvement project by the Borough of State College and would likely cost in excess of \$300,000.

Mr. Klees asked staff if the Borough of State College had been contacted and invited to attend and participate in this dialogue, as directed by Council at a previous meeting. Staff responded that the Borough was contacted and they respectfully declined. Mr. Klees addressed the audience, mostly Borough residents, stating that not having their representative present could impact College Township Council's decision. Mr. Klees thanked staff for providing the requested calculations of Waupelani Drive apartment complexes populations, which was at least 2,285.

Mr. Jon Williams, Landmark Properties, Athens, Georgia, reaffirmed the developer's commitment to the contribution of \$100,000 toward off-site traffic improvements.

Mr. Mike Shigley, 124 Aikens Place, objected to this plan based on traffic impacts to Aikens Place and delays at the traffic signal onto S. Atherton Street.

#### **b. Other Issues**

1. Public Streets: At the January 5, 2012, Council Meeting, Council members inquired into the interpretation of College Township Code §145-20.A. of the Planned Residential Development (PRD) ordinance requiring a system of public streets within a PRD. As presented in staff memorandum from Mr. K. Baker, dated January 16, 2012, staff believes that the intent of this language was to prevent a new development from using an existing private street as their access, as well as prevent new private streets within the development that may not have clear responsibilities for maintenance in the long term. It was not interpreted to prevent individual lots within a development from having parking lots with driveway accesses to those parking lots serving the site. The memorandum provided several existing examples.

Dr. Remick expressed a willingness to accept staff's interpretation and urged Council to amend either this ordinance, waive this part of the ordinance for this project, or agree that staff's interpretation is the correct interpretation.

Mr. Klees recommended that when College Township prepares its final findings of fact, it should contain a clause referencing this topic and then, in support of Mr. Baker's memorandum, reference the clarification of that part of the PRD.

2. Tax Agreements: In written staff memorandum to Council dated January 13, 2012, Mr. Brumbaugh described the need for the generation of an agreement between College Township and the Borough of State College to address the proper allocation/collection of real estate property tax revenues generated by The Retreat. College Township and the Township Solicitor anticipate meeting with the Borough Manager and Borough Solicitor within the next week to resolve this matter.

Mr. Klees urged that, if properties are assessed in each municipality, only the improvements in the Borough should be assessed to the Borough.

3. Trash Collection: Mr. Brumbaugh reported that staff made an effort to formally resolve the outstanding issue of trash collection for The Retreat PRD project. Because the project is in two distinct municipalities, each having different refuse collection ordinances and requirements, trash and recyclables collection requires clarification. The developer wishes to have one trash collector; however, the Borough of State College has no mechanism in their ordinance to allow for Borough properties to be collected by any entity other than the Borough, and no waiving of that ordinance is permitted. The developer may have to pay for Borough refuse collection, yet not have the Borough physically collect the trash. Rather, the developer would structure trash and recyclable collection for its Borough-situated units in a fashion similar to the balance of the project via sealed trash compactors. Staff hopes to resolve this issue within the next week.

Dr. Remick recommended the developer contact the Centre Region Council of Governments' (CRCOG) Refuse and Recycling Coordinator, Ms. Pam Adams, for recommendations on how to improve recycling in student housing projects.

Mr. Williams stated that trash from this project would be collected once or twice a week and taken to the compactors. Residents may take trash to the compactors themselves at other times.

4. CATA Services: In correspondence dated January 16, 2012, Mr. Baker advised Council that CATA would increase the number of buses on its "R" route serving Waupelani Drive, and the developer has agreed to provide pre-paid bus passes to its residents to ensure high ridership from the development or to alternatively provide shuttle service to campus. Mr. Baker stressed that this point would need to be emphasized in their final project narrative.
5. Sewer Service: Mr. Baker advised that University Area Joint Authority (UAJA) sewer lines serving Oak Pointe run partially through this site and are managed by UAJA. It was agreed that UAJA will be the owners of all the main and service lines within The Retreat development up to the laterals. The main trunk line will connect to the State College line at the end of the site. State College Borough will receive a tap fee for sewer capacity service; and UAJA will receive reimbursement from State College based upon the measured flow rate at the main pump station. An additional benefit to UAJA is that they will no longer have to maintain the existing pump station

on The Retreat site. This matter is, therefore, resolved, as it impacts College Township.

Mr. Brumbaugh directed Council's attention to a letter from the Borough of State College Public Works Director, Mr. Mark Whitfield, dated January 17, 2012. Paragraph 2., specifically, pertains to the Borough's desire to have The Retreat entrance road line up with a proposed 60-foot easement that lines up with Parkway Drive on the north side of Westerly Parkway. The Borough, therefore, stated it is only permitting The Retreat entrance road to be located at the originally proposed easement location, which lined up with this possible future relocation of O'Bryan Lane through the Westerly Parkway Shopping Center. A letter from the owners of the shopping center strongly opposes the concept of the Borough's potential desire to construct a public road through the middle of their shopping center, and discussion at the table relative to the expiration of the unused easement resulted in this matter being deemed not critical to the currently configured plan. Mr. Klees suggested that this section of the Borough's comments be ignored.

Mr. Shigley reiterated the traffic concerns relative to the length of buses causing additional stacking at the intersection.

### **c. Narrative**

Mr. M. Holdren, CRPA Sr. Planner, presented a review of the developer's Narrative to identify the items to be put on the plan and to identify any others that need to be added or amended. Council offered comments to the developer for the final Narrative.

Mr. Williams agreed to file party applications with the Borough police but would not register parties in advance with the police, as suggested in Chief King's recommendations. Mr. Williams agreed with most of Chief King's conditions but stated that the developer could not and would not be able to comply with suggested alcohol-related restrictions that other Township or Borough residents did not have to comply with.

Chair Fryer disagreed with the developer's not prohibiting kegs of beer and expressed concern for under-age drinking.

To clarify a Council concern, Mr. Williams stated that any incidents stemming from alcohol consumption would be handled case by case, and the management of the development would not be checking the identification cards of people sitting outside to ensure they were beyond the age of majority, unless there was a problem. Mr. Williams did reiterate that any party that had more than 15 guests, whether in a common area or in an individual dwelling unit, was required by lease agreement to get a permit for that gathering.

Ms. Carol Stewart, Oneida Street, opposed this proposed development based on the use of alcohol by its residents, burdening the police department, crime rate going up, insufficient management numbers, and abandoned pets left by students.

Mr. Brumbaugh advised that Council would be voting on this plan at its February 2, 2012, Regular Council Meeting and that Council would be meeting in Executive Session with the Township Solicitor regarding litigation.

Addressing Ms. Stewart's comments, Mr. Williams replied that the development utilizes leases, party registrations; has ten employees onsite; and uses video surveillance, adding that this is a painstaking process to insure that this is a better project than a development that has not gone through this process.

**NEW BUSINESS:**

None was forthcoming.

**STAFF AND ABC INFORMATIVES:**

No comments.

**OTHER MATTERS:**

1. Mr. Klees inquired into the status of repairs of numerous damaged guiderails in College Township, and the Township Manager replied that photographs of those guiderails will be sent to PennDOT, as well as alerting them to the broken traffic board on the Bypass.
2. Mr. Brumbaugh reported that calls had come into the Township regarding loud, disturbing noise coming from campus this past week. After investigation, staff generated and distributed to Council a handout that explained that the noise emanated from the Penn State steam plant.

**COMMITTEE REPORTS:**

**Public Safety Committee:** Mr. Koll reported that the Public Safety Committee reorganized and again elected Mr. Koll as Chair. The Committee discussed the COG vehicle fleet and will be deciding in the near future what type of vehicle COG will be using. Mr. Koll also asked for a Council alternate to attend the next Public Safety Committee meeting, as he will be out of the area on February 8<sup>th</sup>.

**Transportation and Land Use (TLU) Committee, January 18, 2012:** Mr. Klees reported that TLU reorganized with the same officers remaining in place as last year. The Committee will be discussing the COG Articles of Agreement as it relates to the TLU Committee.

**Human Resources Committee:** Ms. Shoemaker reported that the Human Resources Committee reorganized, with Nigel Wilson as Chair and Ms. Shoemaker as Vice-Chair. The Committee then discussed their goals for 2012.

**Finance Committee:** Ms. Shoemaker reported that the Finance Committee reorganized, with Mr. Graham, Harris Township, as Chair and Mr. Rosenberger, State College Borough, as Vice-Chair. The Committee reviewed its completed vehicle maintenance and repairs report for COG's fleet.

**Executive Committee, January 17, 2012:** Mr. Fryer reported that the Executive Committee reorganized, with Mr. Abrams, Patton Township, as Chair and Mr. Pytel, Ferguson Township, as Vice-Chair. The Committee met the Chamber of Business and Industry of Centre County (CBICC) President/CEO, Mr. V. Squier, and subsequently set the next General Forum agenda.

**ADJOURNMENT:**

Chair Fryer adjourned the January 19, 2012, Regular Council Meeting at 9:09 p.m.

Respectfully submitted,

*Adam T. Brumbaugh*

Adam T. Brumbaugh  
Township Manager/Secretary