COLLEGE TOWNSHIP REGULAR COUNCIL MEETING MINUTES

Thursday, January 24, 2013

ATTENDED BY:

COUNCIL:	David P. Fryer, Chair David W. Koll, Vice-Chair Mary C. Shoemaker L. Eric Bernier
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, Asst. Township Secretary
ABSENT:	Forrest J. Remick, Ph.D., Council Member

CALL TO ORDER

Chair Fryer called to order the January 24, 2013, College Township Council Regular Meeting at 7:04 PM, followed by the Pledge of Allegiance.

ANNOUNCEMENTS:

Chair Fryer announced that Council held an Executive Session immediately prior to this meeting for the purpose of addressing personnel matters.

OPEN DISCUSSION:

Mr. Lewis Biddle, 1111 Boalsburg Road, Oak Hall, stood in opposition to negative comments Council received at their prior Council meeting and commended Council for indeed listening to residents and fighting for their best interests, as evidenced by their successful actions to legally contest the Oak Hall quarry's expansion several years ago.

PLANS:

P-1 Rogers Farm Preliminary/Final Subdivision; Tax Parcel 19-02B-074-0000; Trout Road; Request for Time Extension

Mr. Todd H. Smith, ELA Group, Inc., presented a request for a time extension on the Rogers Subdivision Plan. Council approved this plan on November 1, 2012, with a recording deadline of January 30, 2013. The developer requested a 90-day time extension to allow for the approval of the required PennDOT Highway Occupancy Permit (HOP) for the existing driveways accessing Shiloh Road.

Ms. Shoemaker moved to grant an additional 90-day time extension to the Rogers Subdivision Plan for the recording of the plan.
Mr. Koll seconded the motion.
Motion carried unanimously.

P-2 The Pennsylvania State University Centralized Biological Laboratory (CBL); Request for Time Extension

In written correspondence dated January 16, 2013, Mr. David W. Pike, Project Manager, Sweetland Engineering, requested a 30-day time extension to March 1, 2013, on the Preliminary/Final Land Development Plan for The Pennsylvania State University's Centralized Biological Laboratory (CBL) Addition, Cagewash Facility. This time extension beyond the original February 1, 2013, deadline will allow for the University departments' sign off and plan recording.

Mr. Kent Baker, Township Engineer, advised Council that the University was nearly done with its sign offs and suggested that the 30-day extension just to be safe.

Mr. Koll moved to grant a 30-day time extension for the recording of the Preliminary/Final land Development Plan for the Centralized Biological laboratory (CBL) Addition, Cagewash Facility.
Ms. Shoemaker seconded the motion.
Motion carried unanimously.

MANAGER'S UPDATE:

Mr. Brumbaugh, Township Manager, presented the January 24, 2013, Manager's Update, highlighting 1) the Oak Hall Regional Park well development aquifer monitoring plan approval, and 2) the denial of the Township's motion to quash relative to the Nittany Outdoor Advertising legal matter. The latter will now move forward according to the previous schedule.

Council offered no significant comments on the Manager's Update.

CONSENT AGENDA:

CA-1 Minutes:
a. January 7, 2013, Reorganization Meeting.
b. January 7, 2013, Regular Council Meeting.

CA-2 Correspondence:
/1: Letter from Auditor General's Office, dtd 12/31/2012, re State College Volunteer Firefighters' Relief Fund Audit.
/2: PA DEP Letter, dtd 1/8/2013, regarding Receipt of Notice of Intent to Remediate; The Retreat at State College.
/3: Letter from Mt. Nittany Health, dtd 1/9/2013, regarding Community Health Needs Assessment.
/4: Letter from Centre County Commissioners, dtd 1/11/2013, regarding 2013 Liquid Fuels Allocation.
/5: Thank you note from B.J. Mincemoyer, recd 1/16/2013, regarding leaf/brush collections.
/6: Ferguson Twp. request letter for State College Teener League Funding Assistance, dtd 1/15/2013.
/7: Schlow C.R. Library Letter of Commendation of Mr. Robert T. Long, Jr., dtd 1/14/2013.
/8: Complaint letter from G. Aron, dtd 1/18/2013, regarding Centre Region Code Administration.
/9: Letter from C. Cohan, dtd 1-20-2013, in support of proposed chicken ordinance.

CA-3 Resolutions:
a. R-13-03, Grandview Road Parking Restrictions.
b. R-13-04, Code Permit Fees Approval.

CA-4 ABC Appointment:
Mr. Donald Hartzell to term on LTAC previously held by Mr. David Felice with term expiration of 12/31/2016.

CA-5 Report:
Finance Director's Year End Report – 2012.

Council pulled items CA-2/4, CA-2/6, and CA-2/7, moving CA-2/6 to 'Other Matters' on this agenda.

Ms. Shoemaker moved to accept and approve the January 24, 2013, Consent Agenda, minus CA-2/4, CA-2/6, and CA-2/7.
Mr. Koll seconded the motion.
Motion carried unanimously.

CA-2/4: Mr. Brumbaugh, Township Manager, announced that the Centre County Commissioners awarded College Township $25,000 in liquid fuels funds to be applied toward the repaving of Hospital Drive and extended his appreciation to the Commissioners for this award.

CA-2/7: Ms. Shoemaker wished to highlight Mr. Robert T. Long, Jr.'s recognition by the Schlow Centre Region Library, as a District Center Library, for his dedicated service as an outstanding trustee on the Mifflin County Library Board.

Mr. Koll moved to accept Consent Agenda items CA-2/4 and CA-2/7.
Mr. Bernier seconded the motion.
Motion carried unanimously.

Based on its anticipated quick resolution, Chair Fryer moved New Business agenda item NB-2, College/Ferguson Township Municipal Boundary Discussion, forward on the agenda.

NEW BUSINESS:

NB-2 College/Ferguson Townships Municipal Boundary – Discussion

Mr. Adam Brumbaugh, College Township Manager, and Mr. Kent Baker, College Township Engineer, described a discrepancy that existed with the location of a portion of the municipal boundary line bordering College and Ferguson Townships to the west of Waupelani Drive, near Tussey View Estates across from the YMCA facility. This boundary discrepancy impacts approximately 300 feet of land and is believed to have stemmed from the digitization process of Centre County municipal maps revising the map line. Mr. Baker stated that Sweetland Engineering found old, approved subdivision plans for this location, performed some additional survey work, and found that the former boundary as described on the old map was more accurate than the County GIS depiction. Sweetland was proposing to do a map correction that Ferguson, College, and Harris Townships would sign off on. Mr. Baker added that Penn State University would like to have a letter in advance of this map correction acknowledging this fact.

The affected 38-acre development site impacted by this boundary discrepancy is currently owned by The Pennsylvania State University and is being proposed for development by Toll Brothers as student housing. The proposed development plan is before the Ferguson Township Board of Supervisors; and the parcel physically sits adjacent to Tussey View Estates, which itself resides fully in College Township. As the municipal boundary line is currently digitally depicted on Centre County GIS mapping, a portion of the Toll Brothers development site appears to be in College Township. If a portion indeed resided in College Township, College Township would review the Toll Brothers' proposed development plan and require the developer to conform to College Township ordinances for that portion. College Township staff advised Council that this referenced municipal boundary line has not

been moved, remains as it was reflected prior to GIS mapping renditions, as it is shown on paper maps, and as it is reflected on development plans approved prior to Centre County's municipal boundary digitization process.

In Ferguson Township communication to College Township, dated January 22, 2013, Mr. Mark Kunkle, Ferguson Township Manager, advised that the Ferguson Township Board of Supervisors (BOS) took action on January 21, 2013, to confirm the location of the common municipal boundary between the two affected municipalities, subject to concurrence by the College Township Council. The BOS confirmed the location of the municipal boundary as shown on the Whitehall Associates and Winston Corporation Subdivision Plan, dated April 10, 1987, and recorded in book 37, page 7, of the Centre County Recorder of Deeds Office as being along the property line, not through the property. Ferguson Township requested that, with College Township's concurrence, Ferguson and College Townships forward to the Centre County GIS Coordinator, Mr. N. Barger, this agreed-upon location for the subject boundary line and further request Mr. Barger's review and consideration in correcting the digital municipal boundary record at this location. This line would reflect the entire Toll Brothers development site being situate in its entirety within Ferguson Township and subject only to Ferguson Township ordinances.

Mr. Brumbaugh advised that Mr. Daniel Sieminski, Associate Vice President for Finance and Business, Penn State University, was in attendance on behalf of the University. Mr. Sieminski reiterated the University's desire for written acknowledgement to Penn State University from both Ferguson and College Townships confirming that the boundary line for this parcel is as described in the Whitehall Associates and Winston Corporation Subdivision Plan as being along the property line.

Chair Fryer moved to concur with the College/Ferguson Townships municipal boundary as described on the Whitehall Associates and Winston Corporation subdivision plan, dated April 10, 1987, and recorded in book 37, page 7, of the Centre County Recorder of Deeds Office.
Mr. Koll seconded the motion.

In response to a call for any additional questions, Ms. Shoemaker asked if staff was confident that the referenced portion of the Township boundary is the same boundary as described in the past; and Mr. Baker, Township Engineer, responded in the affirmative.

Hearing no response to a call for further questions, Chair Fryer called for a vote on the motion.

Motion carried unanimously.

Mr. John Gondak, resident of Tussey View Estates, requested an opportunity to speak on behalf of the residents of Tussey View Estates on this matter and questioned the parliamentary procedure followed in the Council Chair's not asking for public comment prior to the vote. Mr. Gondak explained that homeowners questioned the referenced 1987 plan

boundary line's accuracy. Tussey View Estates residents were concerned about their property values, privacy, and continuity of a family lifestyle, which they feel would be better protected by College Township-required buffers between their homes and the proposed student housing planned for the adjacent, Ferguson Township site. In written communication from the Tussey View Estates Condominium Association Board to Mr. John Franek, College Township Zoning Officer, dated January 14, 2013, Tussey View Estates residents requested that College Township work with Ferguson Township to clarify the township borders in the disputed area; and, if the disputed area is in College Township, retain the R-2 zoning classification.

Following discussion, Council allowed the vote to stand but directed staff to 1) delay sending the requested letter to Penn State University and 2) review the boundary map correction being prepared by Sweetland Engineering in order to validate Council's action just taken. Once confirmed, staff will release the official letter from College Township affirming the referenced 1987 boundary.

Mr. Baker asked Mr. Sieminski to direct Sweetland Engineering to provide to College Township the plan for this municipal boundary clarification as soon as possible. At Mr. Sieminski's request for clarification, Mr. Baker added that College Township agreed with the projection that Sweetland Engineering had shown at a meeting with the municipal engineers for College, Ferguson, and Harris Townships. However, it was also agreed at that meeting that a map revision would be submitted for formal review and approval by the townships and then filed with Centre County.

Chair Fryer confirmed that the vote will stand and will not return to a future Council meeting unless something proves the line is something other than that voted on.

Mr. Sieminski added that Penn State University will get a professional to get in touch with College Township staff.

NB-1 Oak Hall Regional Park Host Municipality Contribution

Mr. Brumbaugh, Township Manager and College Township Water Authority Manager, reported that the COG Parks Capital Committee and the Centre Regional Recreation Authority (CRRA) met recently to discuss the bid award for Oak Hall Regional Park (OHP) construction. At that meeting, the CRRA directed Centre Region Parks and Recreation Director Ronald Woodhead to approach College Township in its capacity as host municipality to Oak Hall Regional Park and seek Township agreement to install the OHP water lines, a bid item valued at $92,300. College Township staff analyzed the bid specification, reviewed the bid price, and determined that the Township's cost to install the water lines would significantly exceed the bid price received. Township staff recommended that Council consider making an additional monetary contribution to the project rather than undertake the water line work. Mr. Woodhead confirmed that the CRRA was seeking additional monetary or in-kind services assistance for the project from College Township.

Speaking on behalf of the College Township Water Authority (CTWA), Mr. Brumbaugh advised that the CTWA was not able to provide any funding for this purpose.

Chair Fryer opposed College Township's contributing the additional funds being requested but would agree to pay for the difference between the lighting fixtures and the $92,300 for the water line. This would leave approximately $60,000 to be identified from sources other than College Township.

Mr. Woodhead advised that the CRRA must respond to the bids within sixty (60) days of the January 7th bid opening, and returning this matter to the February 7th Council meeting would fall within that timeframe.

Ms. Kathy Matason, 545 Puddintown Road, State College, spoke as a citizen of College Township and requested that Council consider some type of lighting for the safety of users of the Park.

Mr. Pat Vernon, 585 Walnut Spring Lane, State College, spoke in opposition to lighting the park and suggested that the matter of lighting the park be put to a vote from Township voters. Mr. Vernon also opposed paving the parking lot and recommended that the use of solar lights be considered. Mr. Vernon also opposed the total price of the three regional parks being planned for development.

In response to Council inquiry, Mr. Woodhead advised that the CRRA had a contingency fund on hand of approximately $161,000.

Following detailed discussion on hosting municipality obligations on regional projects, specific bid alternates, field and parking lot lighting, and options for identifying the necessary funding from College Township for the waterline installation, Council directed staff to develop funding options for the $92,300 and return options to the February 7th Council meeting for Council review.

NB-3 Permitting of Chickens; Resident Presentation

Mr. Scott Stilson, 1528 Puddintown Road, State College, made a PowerPoint presentation in consideration of an ordinance change that would permit the keeping of hens in College Township on properties smaller than the 10-acre minimum currently required and defined in the Township Code. In support of permitting of hens on smaller lots, Mr. Stilson stated that backyard hens offer fresher, better tasting eggs than are commercially available; offer companionship as pets; allow owners to overcome objections to commercial agricultural practices; offer good fertilizer by way of composted hen manure; reduce insect populations; raise property values; strengthen community ties; and offer child-rearing advantages. Council was offered a proposed ordinance that would govern the keeping of chickens, and Mr. Stilson requested Council comments and consideration. Mr. Stilson also presented a petition signed by residents in support of this ordinance change request.

Following discussion on considering the request for lowering the minimum lot size required for the keeping of hens, the enforcement demands placed upon Township staff to oversee hens, restricting hens from being kept in front yards, acceptable numbers of hens per property, where to place this matter in the Township Code, penalties for repeat violations, and acceptable disposal methods of waste, Council took action to remand this matter to Planning Commission for review and comment.

Ms. Shoemaker moved to remand the ordinance change request for the permitting of chickens to the Planning Commission.
Mr. Bernier seconded the motion.

Following a request for public comment, Ms. Courtney Hayden, 1232 Houserville Road, advised that the previous owners of her home kept rabbits in a hutch in the backyard. Ms. Hayden saw no difference between the keeping of rabbits in hutches and keeping of chickens in coops.

Mr. Marshall Peters, 1300 E. Branch Road, suggested a temporary backyard initiative that would allow for the keeping of hens, suggesting a two-year period, to see how it went.

Chair Fryer called the question.
Motion carried unanimously.

NB-4 Resolution R-13-05, Quaker Steak and Lube Liquor License No. R-17772 Transfer; Set Public Hearing

Mr. Mark Holdren, CRPA Sr. Planner, advised that College Township received a request to transfer Liquor License No. R-17772 into College Township for the planned Quaker Steak and Lube Restaurant at 501 Benner Pike in College Township. In order for this request to move forward, College Township Council must offer the public an opportunity to offer comment, and a substantiating resolution must be approved by Council following that public hearing. No representative for the developer was present at this meeting; and staff recommended that the required public hearing be set for February 21, 2013.

Council inquired into the current ordinance's minimum distance between a liquor license and a church, and Mr. Holdren replied that criteria was based more on saturation of liquor licenses within a 2,500-foot radius, and not on distances to churches or other structures.

Mr. Bernier moved to set a public hearing on Resolution R-13-05, Transfer of Liquor License R-17772 to Quaker Steak and Lube Restaurant, 501 Benner Pike, College Township, for February 21, 2013.
Mr. Koll seconded the motion.
Motion carried unanimously.

OLD BUSINESS:

No Old Business was presented at the table.

STAFF AND ABC INFORMATIVES:

No comments were forthcoming on Staff and ABC Informatives.

COUNCIL/STAFF OTHER MATTERS:

1. Council addressed Consent Agenda item CA-2/6, Ferguson Township's request for College Township's funding assistance for the State College Teener League. Following discussion, Council agreed to defer this to the Township's 2014 budget review discussions, which begin in the fall of 2013. The Township Manager was directed to write a response letter to that effect to Ferguson Township.
2. Chair Fryer noted that, according to the branding icon on the sign, it appears as though the old Perkins Restaurant at the corner of E. Branch Road and S. Atherton Street is about to be replaced by an International House of Pancakes (IHOP).

COMMITTEE REPORTS:

Centre County Metropolitan Planning Organization (CCMPO), January 22, 2013: Ms. Shoemaker reported that the CCMPO held its reorganization meeting and elected Mr. Jeff Luck, Patton Township, as CCMPO Chair and Mr. Michael Pike, Centre County Commissioner, as Vice-Chair for 2013. The members then reviewed the CCMPO work tasks and identified criteria for setting the member funding formula.

Finance Committee, January 8, 2013: Ms. Shoemaker reported that the Finance Committee elected Mr. Bud Graham, Harris Township, as Finance Committee Chair and Mr. James Rosenberger, State College Borough, as Vice-Chair for 2013. The Committee then discussed how the Finance Committee would be playing a larger role in developing goals and targets for COG financial matters.

Public Safety Committee, January 9, 2013: Mr. Koll reported that the Public Safety Committee elected Mr. Koll as Public Safety Committee Chair and Mr. Cliff Warner, Harris Township, as Vice-Chair for 2013. The Committee discussed State College Borough's desire to drop out of the Code Administration program effective January 2014.

Council directed the Township Manager to review the CRCOG executive director's draft response to the State College Borough and to draft a letter to the CRCOG executive director to ask about implications to remaining participating municipalities should the Borough

withdraw from the Code program. This matter should then be returned to Council prior to sending the final letter.

Executive Committee, January 22, 2013: Chair Fryer reported that the Executive Committee elected Mr. George Pytel, Ferguson Township, as Executive Committee Chair and Mr. Elliot Abrams, Patton Township, as Vice-Chair for 2013 prior to setting the January 28, 2013, General Forum agenda.

Parks Capital Committee, January 10, 2013: Mr. Bernier reported that the Parks Capital Committee elected Mr. Jeff Luck, Patton Township, as Parks Capital Chair and Mr. Tom Daubert, State College Borough, as Vice-Chair for 2013. Mr. Bernier added that Parks Capital will continue to meet jointly with the Park Authority during 2013 to work on regional parks matters.

Development of Regional Impact (DRI) Meeting, January 23, 2013: Mr. Brumbaugh reported that members of the DRI committee continue to work on the DRI process along with Mr. Jim May, Centre Regional Planning Agency Director, on several major issues that remain unresolved. Mr. May is working with the executive directors of UAJA and CRCOG on this matter.

Human Resources Committee, January 8, 2013: Chair Fryer reported that the Human Resources Committee elected Mr. Nigel Wilson, Harris Township, as Chair and Mr. Josh Troxell as Vice-Chair for 2013.

ADJOURNMENT:

Hearing no further matters for discussion, Chair Fryer adjourned the January 24, 2013, College Township Council Regular Meeting at 9:35 PM.

Respectfully submitted,

Adam T. Brumbaugh
Township Manager/Secretary