

**COLLEGE TOWNSHIP REGULAR  
COUNCIL MEETING MINUTES  
Thursday, February 16, 2012**

**ATTENDED BY -**

**COUNCIL:** David P. Fryer, Chair  
Daniel D. Klees, Vice-Chair  
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  
Mark Holdren, CRPA Sr. Planner  
Mary. E. Wilson, Assistant Township Secretary

**ABSENT:** David W. Koll, Council Member  
John J. Franek, Jr., Zoning Officer

**CALL TO ORDER**

Chair Fryer called to order the February 16, 2012, Regular Meeting of the College Township Council at 7:00 p.m. followed by the Pledge of Allegiance.

**OPEN DISCUSSION:**

Mr. Scott Stilson, 1528 Puddintown Road, requested that Council reconsider lifting the restrictions on the keeping of chickens on properties smaller than ten acres and asked if Council would entertain a brief presentation on the matter at a future Council meeting.

After a brief discussion, Council agreed to the placement of this matter on a future Council agenda. Staff will advise Mr. Stilson of the meeting date once set.

**SPECIAL REPORT:**

**SR-1 University Area Joint Authority (UAJA) Update**

Mr. David Lapinski, College Township Council's appointee to the UAJA Board of Directors, presented an update on UAJA matters, highlighting a new, three-year labor agreement with employees; user fees and township and hauler fees remaining the same for 2012; and 2012

projects. Those projects include the Big Hollow Diverter Project; Beneficial Reuse water storage tanks at the old Corning plant; and the Beneficial Reuse Wetlands Project along E. Branch Road.

Mr. Lapinski answered questions on impacts of future development outside the sewer service areas, suggesting UAJA's likely hesitation in operating other sewage facilities beyond the sewer service area due to the potential liabilities involved. Mr. Lapinski stated, however, that UAJA would first look closely at all factors involved before ruling on accepting or refusing to accept the request to take over another sewage treatment facility.

Council expressed their appreciation for the report and for Mr. Lapinski's continued service on the UAJA Board.

## **PLANS:**

### **P-1 Stocker Subaru Dealership & Stocker Chevrolet Site Improvements Preliminary/Final Land Development, Tax Parcel 19-002B-81A, Dreibelbis Street**

Mr. Mark Torretti, Penn Terra Engineering, introduced Mr. Cory Stocker, Stocker Chevrolet, Inc., before presenting the Stocker Subaru Dealership and Stocker Chevrolet Site Improvements for the development of Tax Parcels 19-2B-81, 19-2B-81A, and 19-2B-81B, which includes a re-plot plan.

Tax Parcel 19-2B-81A (Stocker Subaru) is proposed to be developed as a 17,440-square-foot Subaru automotive sales and service facility. Public access to the site will be via a shared driveway with Tax Parcel 19-2B-77 immediately east of the site.

Council offered comments on future connectivity between the two dealerships; repetitive language on Sheets 5 and 6; its discontent with section 5.E. of the draft Memorandum of Understanding (MOU); partial decorative fencing; and stormwater detention flow numbers before considering action on this plan.

Atty. Terry Williams, Miller Kistler and Campbell, representing the developer, offered clarification about the draft MOU relative to the College Township Official Map. Parties discussed the issue reflected in section 5.E. of the MOU on whether or not a car dealership could be on an adjacent lot in exchange for offering an easement to the Patt property.

Council appreciated the developer's efforts to make this a better development and agreed to the township solicitor's review of the Memorandum of Understanding, with special consideration of section 5.E., which Council considered removing.

Mr. Baker, Township Engineer, discussed the plan condition relative to the curb radii being wider than the Township's ordinance maximum of fifteen feet. Mr. Baker stressed that this part of the ordinance requires amending; however, staff must work out a method to allow this plan to comply with the existing ordinance.

**Mr. Klees moved to approve the Stocker Subaru Dealership and Stocker Chevrolet Site Improvements Preliminary and Final Land Development Plan, dated September 19, 2011, last revised January 20, 2012, including the Lot Consolidation and Re-plot Plan of Tax Parcels 19-2B-81, -81A, and -81B, subject to the following conditions:**

- 1. Obtain all required signatures on the plan;**
- 2. Payment of all outstanding plan review fees;**
- 3. Resolve the curb radii matter for the driveway connection to Dreibelbis Street;**
- 4. Provide copies of the cross-lot access easements for review and approval by College Township staff; and**
- 5. Council requests that staff provide the Memorandum of Understanding between Stocker Chevrolet, Inc. and College Township to the township solicitor for review with special consideration to 5.A. through 5.E. and of Council's concern that 5.E. may not be allowed per the MPC.**

**Ms. Shoemaker seconded the motion.**

**Motion carried unanimously.**

## **P-2 The Villas at Happy Valley Preliminary/Final Land Development**

Mr. Steve Bisbee, Keystone Real Estate, presented the Villas at Happy Valley Preliminary/Final Land Development Plan on behalf of equitable owner BVRE, LP of State College, Pennsylvania. The developer proposes to construct upon the fourteen-acre tract, known as Tax Parcel 19-002B-076, a 149-unit townhouse rental development in the R-2 Zoning District, the parcel being located between Dreibelbis Street and Trout Road in State College. The townhouse units will consist of three bedrooms each and accommodate a total population of 447 residents. It is anticipated that most residents will be Penn State University students, and amenities of the project will be targeted to student life. In response to previous staff and adjacent residents' comments, the developer adjusted the plan for an overall reduction of one dwelling unit. That change also reduced the height of the retaining walls, and added about fifty feet of buffer space. Third and fourth points of egress were also added to the site.

Mr. Kent Baker, Township Engineer, stated that the College Township Planning Commission voted on January 17, 2012, to recommend to Council the denial of this plan primarily due to the large number of outstanding staff review comments. Those comments included a greater-than-allowed grade on the Penn Hills side; outstanding stormwater review comments; outstanding CRPA Planner comments, especially as it relates to Code Sections 299-32(D) and 95(C) - Noise Violations; Trans Associates comments on their traffic study review; outstanding comments from the CATA transit planner; and unresolved parkland dedication/fee-in-lieu issues.

Mr. Bisbee described how the developer had addressed, or was planning on addressing, CRPA's review comments relative to street addressing; lighting; parking; buffering; screening of refuse

collection points; and rules and regulations before introducing Ms. Mary France, property manager, to present tenant management procedures.

Ms. France described the protocols for managing student housing facilities, adding that The Villas at Happy Valley will require residents to register their parties and that all such activities are limited to the confines of tenants' residences. The need for registering a party was based on a gathering being for the purpose of engaging in party-type behaviors, as opposed to having a collection of friends over to share a meal and watch television. As party registration is based more on anticipated behavior rather than a number of guests expected, Ms. France was not able to give Council a guest number that would trigger the need to register a party. After some dialogue with Council, the developer agreed to place a hard number in their rules, which Council felt offered something solid on which enforcement could rest.

In response to Council inquiry, Mr. Gregg Saunders, Hawbaker Engineering, stated that trash bins and recycling facilities would be compliant with the hauler's needs; and Council urged Mr. Saunders to contact Ms. Pam Adams, Centre Region Refuse and Recycling Program Coordinator, on how to increase recycling at student living facilities.

Mr. Bisbee advised Council that the developer would not agree with comment 9.a. of Mr. Holdren's February 8, 2012, Memorandum to Council relative to the rules and regulations being noted on the plan. Mr. Bisbee clarified that the rules and regulations are modified as needed, and putting them on the plan would limit their ability to make those modifications. It would, therefore, not be in their best interest to place them on the plan. Mr. Bisbee subsequently requested credit for portions of the land that is open for recreation.

Council advised the developer to remove the 'Park Area Boundary' note from plan sheet 3.

Mr. Baker advised that staff deferred the parkland matter to Council on whether or not College Township should accept the developer's fee-in-lieu/in-kind offer or should require the approximately six acres identified as required parkland. The developer is offering a combined open space dedication and fee-in-lieu, proposing two acres of parkland with in-kind service extensions of pedestrian/bike paths, decreasing the eight-foot wide path down to a five-foot wide sidewalk. The remaining would be a financial contribution. A fee-in-lieu would require an appraisal to determine what that fee would be.

Mr. Patrick McGrady, 518 Gerald Street, opposed this plan based on the density of its transient population, and suggested, at the least, that the developer be required to provide the open space on site. Mr. McGrady also requested that College Township look at the area on Dreibelbis Street because there are pipe assemblages that could be dangerous.

Mr. Scott Carney, 132 Julian Drive, opposed this plan based on its impacts to his property, the slopes not being met, noise disturbances, and density. Mr. Carney recommended that the property be rezoned.

Ms. Heather Fink, 108 Julian Drive, opposed this plan based on noise and overflow parking going to the adjacent neighborhood and suggested that impacted landowners should be consulted about whether or not they wish to assume the liability of installed sidewalks.

Ms. Melanie Fink, 117 Julian Drive, distributed to Council comparative photographs from 2003 and present showing grading changes and voiced her opposition to this plan. Speaking on behalf of neighbor Mr. D. Barletta, who was ill and unable to attend, Ms. Fink added that no one would want this development in their backyard.

Mr. Hayes Gearhart, addressing Council as a member of the College Township Planning Commission, suggested that the required six acres of parkland be on site.

Mr. Lance Brody, 1321 Dreibelbis Street, opposed this plan due to non-compliance with Township Code section 200-31.C., requiring slopes to be 25 percent or less, and the belief that sidewalks could not be installed along Dreibelbis Street due to the steep drop off. Mr. Brody concurred with others that there should be some open space on the site.

Mr. Larry Tremaglio, 137 Julian Drive, opposed this plan due to student behaviors and noise.

Mr. Baker answered Council inquiry relative to plan elements having been met by advising that all of the outstanding comments are able to be satisfied, but staff still needed Council's preference relative to the parkland.

Atty. Terry Williams, Miller Kistler and Campbell, representing the developer, also requested that Council provide the developer with some guidance on the parkland aspect of this plan.

Following Council discussion regarding cut-through traffic, slopes and grading, stormwater runoff, buffer widths, and units per acre below the maximum, Council focused on the parkland options.

Mr. William Sisitki, 126 Washington Avenue, expressed a desire to see the developer held to providing the six acres of parkland on site; and Mr. P. McGrady concurred.

Atty. Williams stated that the developer would work with Township staff on alternate proposals for fee-in-lieu-of parkland and in-kind offer.

With Dr. Remick preferring the fee-in-lieu/in kind offer, Council made a show of hands on its preference for either fee-in-lieu of parkland or open space/parkland on site. By a vote of 3 to 1, Dr. Remick opposing, Council expressed its desire to see the open space on site.

**Mr. Klees moved to table The Villas at Happy Valley Preliminary/Final Land Development Plan, to a time as determined by staff.**

**Ms. Shoemaker seconded the motion.**

**Motion carried unanimously.**

Chair Fryer called for a brief recess at 9:55 p.m. and reconvened at 10:02 p.m.

### **MANAGER'S UPDATE:**

Mr. Brumbaugh presented the February 16, 2012, Manager's Update, and offered the following highlights.

1. Item 12-02, Boalsburg Road Roundabout Design: A roundabout design meeting was held this date.
2. Item 11-02, Oak Hall Regional Park Water Well Development: The College Township Water Authority awarded this drilling bid to Eichelbergers Drilling on Feb. 1, 2012. An extension of the right-of-entry agreement will be sufficient to complete the drilling anticipated to conclude by the end of April.
3. Correction to the February 2, 2012, Manager's Update report on excessive truck speeds on Boalsburg Road: Mr. Brumbaugh advised Council that staff investigated the high speed readings of its speed camera equipment and discovered a calibration malfunction. The equipment was returned to the manufacturer and a properly calibrated unit reinstalled. Prior high readings were deemed to be off by 25 to 30 MPH.

### **CONSENT AGENDA:**

**CA-1** Minutes:

February 2, 2012, Regular Council Meeting.

**CA-2** Correspondence:

- /1: Letter from CATA, dated rec'd Jan. 31, 2012, requesting feedback on exterior bus advertising program.
- /2: Email from Mr. M. Ammerman, dtd Feb. 7, 2012, subj: The Villas at Happy Valley.
- /3: Email from Mr. P. McGrady, resubmission of Jan. 17, 2012, email regarding the Villas at Happy Valley.
- /4: Letter from HRG, Inc., dated Feb. 1, 2012, Re: UAJA Big Hollow Sewer Interceptor Overflow Mitigation Program.
- /5: Email from M. Ammerman, dtd Feb. 13, 2012, Subj: The Villas at Happy Valley.
- /6: Email from R. S. Carney, dtd Feb. 14, 2012, subj: Villas on Trout Road.
- /7: Email from J. Hedens, dtd Feb. 15, 2012, subj: Villas at Happy Valley development proposal.
- /8: Email from S. Cooper, dtd Feb. 15, 2012, subj: The Villas at Happy Valley.
- /9: Email from B. Cooper, dtd Feb. 16, 2012, sub: Villas at Happy Valley – Homeowner Concerns.
- /10: Email from M. Dillon, dtd Feb. 16, 2012, subj: The Villas proposal.

Council pulled Correspondence item CA-2/1 for discussion.

**Mr. Klees moved to accept the February 16, 2012,  
Consent Agenda, minus item CA-2/1.  
Dr. Remick seconded the motion.  
Motion carried unanimously.**

CA-2/1, CATA Exterior Bus Advertising: Following a brief discussion, Council supported CATA's continuation of its pilot exterior bus advertising program.

**Mr. Klees moved to accept Consent Agenda Item CA-2/1.  
Dr. Remick seconded the motion.  
Motion carried unanimously.**

**OLD BUSINESS:** No Old Business was brought forward.

**NEW BUSINESS:** No New Business was brought forward.

**STAFF AND ABC INFORMATIVES:** No comments.

**OTHER MATTERS:**

Mr. Brumbaugh presented an email request from Mr. Mark J. Kellerman, dated February 13, 2012, subj: Crown American Financing v. Centre County Board of Assessment Appeals 2010-5134 and requested Council's support for Centre County's reassessment of the noted property. The subject appeal was filed by Crown American Financing for the Nittany Mall, Tax Parcel number 19-2B/89. A 2008 appraisal determined a market value of \$45,500,000; and a 2010 appraisal indicated a current market value of \$42,900,000. Centre County's current market value is \$47,750,865.05 with an assessed value of \$13,800,000. Centre County completed a review of the Appellant's appraisal and has determined a current market value of \$45,500,000, which would yield an assessed value of \$13,149,500. Crown American has accepted that current market value, pending approval by the taxing authorities. Following brief discussion, Council concurred with the County's settlement appraisal amount of \$45,500,000.

## **COMMITTEE REPORTS:**

**Human Resources Committee:** Ms. Shoemaker reported that the Human Resources Committee recommended an extension of the merit plan, which will go to the General Forum for consideration. The Committee will begin working on a new employee disciplinary policy.

**Finance Committee:** Ms. Shoemaker reported that the Finance Committee reviewed legislation being initiated separately but similarly by Sen. Corman and Rep. Hanna relative to transportation funding for the Commonwealth of Pennsylvania. Mr. Tom Zilla, CRPA Transportation Planner, offered a presentation on the significant negative impacts of new federal legislation on metropolitan planning organizations. The Committee then went over the CATA Budget; received a report from the Borough Information Technology Department, Mr. Angel Hernandez, on possible upcoming changes to internet and telephone service providers; and agreed with the Public Services Committee's recommendation for one of the new fleet vehicles being a hybrid in order to get hard data on its cost to operate.

**Transportation and Land Use (TLU) Committee, February 6, 2012:** Mr. Klees reported that the TLU discussed the 2012 Centre Region Planning Agency Unified Work Program, including comprehensive plan and discussions on sewer service areas and regional growth boundary. The Committee received an update from CATA on their service planning, which is being drastically affected by federal and state funding shortfalls resulting from tolling of I-80 not going through. CATA will be requesting a five percent increase in contributions from the municipalities as well as making some minor service cuts in order to balance their budget.

**Parks Capital Committee, February 9, 2012:** Mr. Klees reported that the Parks Capital Committee met in a joint session with the Centre Region Parks and Recreation Authority. The first order of business was the reorganization of the Parks Capital Committee, with Mr. Klees being elected Chair for 2012. Mr. Jim Paschek, Paschek and Associates, gave an update on the Oak Hall Regional Park land development plan before the Committee briefly considered the proposed water well project and location of a septic field. Mr. Alan Popovich offered some sketches on potential combination restroom, concession stand and umpire/press box facilities. The joint group discussed the 2012 Goals and Work Plan.

**Public Services and Environmental Committee:** Dr. Remick reported that the Public Services and Environmental Committee (PS&E) received information on Chesapeake Bay Watershed nutrient reductions; reviewed tasks of Act 537 Implementation Agreement relative to Halfmoon Township's request on advanced treatment systems; reviewed results of the customer refuse and recycling survey; and recommended to the General Forum a two-year extension of services of Veolia Environmental Services.

**Public Safety Committee:** Mr. Klees attended the Public Safety Committee on behalf of Mr. Koll and reported that emergency service (ES) providers were present to discuss planning and related ES issues. The Committee then discussed the Code Administration's vehicle replacement needs, with College Township expressing a desire to see a mixed fleet. The majority of the overall Committee, however, preferred the acquisition of four more Ford Escapes. That recommendation went to the Finance Committee.

**ADJOURNMENT:**

**Ms. Shoemaker moved to adjourn the February 16, 2012,  
Regular College Township Council Meeting.  
Mr. Klees seconded the motion.  
Motion carried unanimously.**

Chair Fryer adjourned the February 16, 2012, Regular Council Meeting at 10:26 p.m.

Respectfully submitted,

*Adam T. Brumbaugh*

Adam T. Brumbaugh  
Township Manager/Secretary