

**COLLEGE TOWNSHIP REGULAR  
COUNCIL MEETING MINUTES  
Thursday, June 2, 2011**

**ATTENDED BY -**

**COUNCIL:** Mary C. Shoemaker, Chair  
David P. Fryer, Vice-Chair  
Daniel D. Klees  
Forrest J. Remick, Ph.D.  
David W. Koll

**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

**CALL TO ORDER**

Chair Shoemaker called to order the June 2, 2011, Regular Meeting of the College Township Council at 7:00 PM followed by the Pledge of Allegiance.

**OPEN DISCUSSION:**

1. Fire Sprinklers in New Residential Structures: Mr. Dan Wise, Past-President of Pennsylvania Builder's Association, addressed Council regarding possible future legislative changes that might allow municipalities to place an optional requirement of fire sprinklers in one- and two-family residences. Mr. Wise stressed that Act 1 does not prevent municipalities from adopting provisions that exceed the state code and mentioned some of the Act's highlights. Council was invited to participate in the Builders' Association's July 28 breakfast at Celebration Hall, hosted by Heritage 1; the breakfast will focus on impacts of sprinklers on insurance. Mr. Wise distributed information from the Builder's Association on locally enforced sprinklers.

Mr. Koll stated that, since the COG Public Safety Committee has yet to receive any direction, he felt that College Township should meet with interested parties in developing a fire sprinkler ordinance that would encompass some of the new technologies.

Mr. Ken Sagen, owner of NRG Solutions in Bellefonte, urged Council to gather the facts on this topic, study them, collect first-hand information, and make its decision from that data.

Mr. Tommy Songer, member of the Builders' Association and a Realtor®, thanked Council for opening up the dialogue and hoped that all could sit together to find a compromise on this issue. Mr. Songer recommended that Council vet all options before bringing sprinklers or other building codes into the area.

2. Sidewalks Requirements: Mr. John Kramer, Dover Circle, requested that the matter of sidewalks requirements in the Canterbury Crossing subdivision be placed before Council for further discussion, and Council agreed to put this on an upcoming agenda.

## **SPECIAL REPORT:**

### **SR-1 C-NET Annual Update**

Ms. Cynthia Hahn, C-NET Executive Director, distributed the *C-NET 2010 Annual Report* and stated that College Township-sponsored programming in 2010 included 40 sponsored programs and 59 Bulletin Board messages. College Township's 2010 programming equaled 8.73% of the total programs by all C-NET members.

Mr. Ben Eltz, College Township Representative to the C-NET Board of Directors, reported that Halfmoon Township and the Bellefonte Borough recently joined C-NET as members, and subsequently offered highlights on C-NET funding. C-NET's operating budget for 2011 is \$295,503, a 3% increase over 2010 its capital budget is \$34,000; and College Township's annual dues for C-NET services are \$27,102.

In response to Council inquiry about the annual College Township-sponsored C-NET award, Ms. Hahn announced that the winner of C-NET's 2010 Brick Wall Award went to Intern Will Monkowski, whose 'honor' was to tape what would end up being the longest member meeting of the year, a Ferguson Township meeting.

## **SPECIAL PRESENTATION:**

### **SP-1 UAJA Update on Kissinger Meadow Wetlands Project**

Mr. Dave Smith, UAJA Asst. Executive Director, introduced Mr. Cory Miller, UAJA Executive Director, and Mr. Doug Weikel, HRG consulting engineer, before giving a PowerPoint presentation on the Kissinger Meadow Wetlands Project. Mr. Smith described Phase 2 of the Beneficial Reuse Project, explaining that UAJA intends to create a constructed wetland with stream augmentation to Slab Cabin Run at the Kissinger Meadow along State Route (SR) 3011 (E. Branch Road) in College Township. This site was dedicated to College

Township by the Kissinger family for the construction of a wetland to promote beneficial reuse of high-purity water. This site consists of an 11-acre parcel bisected by Slab Cabin Run with approximately 1.7 acres of existing wetlands. The UAJA proposes to create an additional two acres of wetlands as well as construct two (2) stream augmentation outfalls. Water applied to the constructed wetlands is expected to infiltrate vertically and horizontally, thereby contributing some additional flow to Slab Cabin Run. In accordance with the Reuse of Treated Wastewater Guidance manual, only water meeting or exceeding the Class A+ criteria will be discharged.

Following the presentation, Council inquired into future public parking and previous Council planting suggestions for the hillside above the wetlands. The presenters stated that UAJA would work with anyone who could help develop a parking plan, and advised that UAJA has not yet addressed the plantings for the area above the wetlands.

Mr. Kent Baker, Township Engineer, forwarded an inquiry on behalf of the Parks and Recreation Committee as to whether or not the existing temporary construction access might be maintained for future public access and parking.

Mr. Smith agreed with Council's suggestion that nothing be done in this area after the conclusion of the wetlands construction for a year or two or until the area becomes well established.

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

Mr. Brumbaugh, Township Manager, presented the June 2, 2011, Manager's Update, and reported that 1) Country Inn and Suites signals were now installed; 2) Southridge Relocation Project signal work was set to begin next week; 3) the 10<sup>th</sup> Annual "Trash To Treasure" event would be held at the old Ames Store in Hills Plaza on June 4<sup>th</sup>; 4) the College Township Water Authority issued a boil-water notice for the Nittany Orchard area due to a negative pressure that drew dirt into the system with the situation being successfully resolved; and 5) staff met with S&A Homes (Mr. D. Palmer) about the sidewalk requirement issue at Dover Circle.

Mr. Klees reported that vehicles coming from Boalsburg toward State College on S. Atherton Street wishing to turn left into Creekside Plaza are, for some unknown reason, not using the center left-turn lane. Staff was directed to take steps to fix this before someone gets hurt.

#### **CONSENT AGENDA:**

**CA-1 Minutes:**

May 19, 2011 Regular Council Meeting.

**CA-2 Incoming Correspondence:**

- /1: Letter from Comcast, dtd May 19, 2011, subj: Revised Dates for Relocation of the Comcast payment Center in State College.
- /2: Letter from Penn State University, dtd May 13, 2011, re: DEP Permit Application.
- /3: Letter from PennDOT, dtd May 12, 2011, regarding College Township request for brake retarders signage on S.R. 322.
- /4: Letter from Art Alliance of Central Pennsylvania, rec'd May 23, 2011, regarding June 5<sup>th</sup> "Art at the Marsh" fundraising event.
- /5: Letter from PennDOT, dtd May 16, 2011, regarding a right of way for highway project.
- /6: Email from N. Cromarty, dtd May 24, 2011, subj: Residential Fire Sprinkler Discussion.
- /7: Letter from PA Auditor General, dtd May 23, 2011, regarding Non-uniformed Pension Plan Compliance Audit Report 2007 to 2009.
- /8: Letter from Penn Terra Engineering, dtd May 13, 2011, re: Occupancy Ordinance Revision / Retreat Properties.
- /9: Letter from Heritage 1, dtd May 18, 2011, re: Fire Sprinklers in New Homes.

**CA-3 Report:**

Finance Director's

**CA-4 Resolution:**

R-11-13, Local Match for State Operating Financial Assistance.

Chair Shoemaker pulled Item CA-2/2 for discussion.

**Dr. Remick moved to approve the June 2, 2011 Consent Agenda, minus CA-2/2.**

**Mr. Koll seconded the motion.**

**Motion carried unanimously.**

**CA-2/2:** Chair Shoemaker asked about the sources of the contamination at the subject facility and requested that staff procure a copy of the list of facilities that is referenced in this correspondence. Mr. Brumbaugh agreed to contact the North Central DEP Regional Office to inquire.

**Mr. Klees moved to receive Consent Agenda item CA-2/2.**

**Mr. Koll seconded the motion.**

**Motion carried unanimously.**

**OLD BUSINESS:**

**OB-1 Ordinance O-11-03, Parks and Recreation Areas – Modify Prohibited Conduct**

Mr. Adam Brumbaugh, Township Manager, re-introduced Ordinance O-11-03, College Township Code Amendment – Chapter 139, Parks and Recreation Areas, which Council tabled at its April 21, 2011, Regular Meeting. This amendment would 1) amend the “Prohibited Conduct” section of Chapter 139 by removing possession of firearms as prohibited, and 2) add a restriction to the “Prohibited Conduct” section related to the operation of remote-controlled or tethered/string-controlled model aircraft without a permit from the Centre Region Parks and Recreation office. Mr. Brumbaugh recommended that Council adopt Ordinance O-11-03 as presented as it corrects its non-compliance with State law with regard to possession of firearms in parks.

**Mr. Klees moved to adopt Ordinance O-11-03,  
College Township Code Amendment – Chapter 139, Parks  
and Recreation Areas, as presented.  
Mr. Koll seconded the motion.**

Mr. Fryer opposed the adoption of this ordinance as presented as he felt it was too weak and should be more specific. Mr. Fryer requested that the township solicitor review this for possible language that could be included that would establish restrictions on carrying loaded weapons except by individuals with proper permits to openly carry handguns and would prohibit the discharge of any firearms in municipal parks. He added that the establishment of a “safety zone” in parks, as defined by Pennsylvania Game Commission regulations, as well as around public buildings, should also be established.

Chair Shoemaker opposed restricting the launching of model rockets in parks, as there was no place else to do that.

Council asked for a legal opinion on what restrictions can legally be placed on the carrying, or discharging, of firearms while still being in compliant with State law.

**Mr. Klees called the question.  
Motion carried 3 – 2 (Remick, Fryer voting nay).**

**Mr. Fryer moved that the Manager approach Legal  
Counsel for a ruling and guidance on the addition of  
language to the Prohibited Conduct section of Chapter 139  
and to determine the legality of posting signage at key park  
locations warning “Safety Zone” and “No Hunting” .  
Mr. Koll seconded his motion.  
Motion carried unanimously.**

## **OB-2 Southridge Deeds and Deeds of Dedication**

Mr. Kent Baker, Township Engineer, reported that three property transfers were necessary for the Southridge Plaza Land Development Plan and the West Branch Road relocation, as follows.

1. Deed of Dedication from NPK Southridge Associates, L.P. to College Township for a 0.811-acre dedication of the relocated West Branch Road and 0.153-acre dedication for a connection to the newly named Woodsdale Lane. College Township is paying \$268,760 for this right of way as its contribution toward the overall West Branch Road realignment project.
2. Deed of Dedication from PFG Real Estate I to College Township for two small takes of 80 square feet and 63 square feet needed for the relocated West Branch Road.
3. Deed from College Township to PFG Real Estate I for 8,141 square feet of unneeded former West Branch Road right of way to allow for additional necessary parking spaces on the Home Delivery Pizza site.

Following a brief discussion, Council took the following actions.

**Mr. Klees moved to accept the Deed of Dedication from NPK Southridge Associates, L. P. to College Township for the 0.811-acre right of way for the relocated West Branch Road and the 0.153-acre right of way for the connection to the newly named Woodsdale Lane, with a compensation from College Township to NPK Southridge Associates, L.P. in the amount of \$268,760, by prior agreement.**

**Mr. Koll seconded the motion.**

**Motion carried unanimously.**

**Mr. Koll moved to accept the Deed of Dedication from PFG Real Estate I to College Township for two small takes of 80 square feet and 63 square feet needed for the relocated West Branch Road.**

**Mr. Klees seconded the motion.**

**Motion carried unanimously.**

**Mr. Klees moved to approve, and authorize the Chair of Council to sign, the Deed from College Township to PFG Real Estate I, transferring 8,141 square feet of unneeded former West Branch Road right of way.**

**Mr. Koll seconded the motion.**

**Motion carried unanimously.**

## **NEW BUSINESS:**

### **NB-1 Sidewalks Maintenance and Street Trees Policy**

Mr. Kent Baker, Township Engineer, advised that the root systems of two trees are beginning to lift the sidewalk and cause cracks in the private driveway of the property at 360 Glengarry Lane, and the property owner is requesting that the Township repair the driveway and sidewalks and remove the trees that are causing the damage. As the Township's street trees continue to mature and such damage will continue to be reported, Mr. Baker requested Council's comments on and direction in becoming involved with making repairs caused by Township street tree roots. Repairs could include cutting of roots and installation of tree root barriers. Staff did not support removing Township street trees

Dr. Jogender Singh, 360 Glengarry Lane, requested Council's relief from damage caused to his sidewalk and driveway due to the Township's street tree having been originally planted too close to his driveway and sidewalk. Dr. Singh requested that the invading street tree be removed and replaced by a tree that Dr. Singh would agree to purchase for planting in a less threatening location.

Council agreed that street trees should not be removed. To be consistent with other municipalities with street trees and sidewalks, Council also expressed that sidewalk and driveway repairs are the responsibility of the property owner.

Council comments included 1) encouraging future landscape design plans to be reviewed with more consideration of mature tree impacts; 2) supporting the consideration of a street tree program; and 3) stipulating that the staff, with the assistance from the State College Borough Arborist, would assist in cutting roots where feasible and take measures to mitigate future root damage as sidewalks are repaired.

## **STAFF AND ABC INFORMATIVES:**

No Council comments on Staff and ABC Informatives were forthcoming.

## **OTHER MATTERS:**

1. Mr. Koll requested that staff take a look at the dead trees in Creekside Park and determine a course of action for their removal.
2. Chair Shoemaker inquired into the procedure for addressing the dead trees along E. College Avenue at Houserville Road, and staff agreed to contact PennDOT.
3. Mr. Klees reported that the street tree at 169 Claremont Avenue is dead.
4. Mr. Klees noted that a new PennDOT weight limit sign had been placed at the along E. Branch Road close to the Centre Hills Country Club, and staff replied that the bridge was recently added to the list of deficient bridges and posted for safety. Council would appreciate a list of weights of different types of trucks.

5. Dr. Remick inquired into the status of the leaning street signs at Wellington Drive, and staff advised that this was on work list for the Public Works crew.
6. Mr. Fryer asked when the work at the Dale Street Reservoir would be awarded, and staff replied that the bid award would be made on June 8. Council Chair recommended that nearby residents be advised of this upcoming project.
7. Mr. Koll asked about when the draft model ordinance for Centre LifeLink Emergency Medical Services' appointment as the Centre Region's EMS would come back for action, and Mr. Fryer replied that COG needed to put this on an agenda to see if the General Forum would endorse it or not. Council directed staff to place this on an upcoming agenda and prepare an appropriate resolution for the support of Centre LifeLink.
8. Chair Shoemaker recommended that the Spring Creek Canyon be added to the next Regular Council Meeting agenda.

#### **COMMITTEE REPORTS:**

No committee reports were forthcoming. Mr. Klees reported, however, that National Incident Management System (NIMS) training was being offered at the COG Building on Tuesday, June 7, 2011.

#### **ADJOURNMENT:**

**Mr. Koll moved to adjourn the June 2, 2011,  
Regular College Township Council Meeting.  
Mr. Fryer seconded the motion.  
Motion carried unanimously.**

Chair Shoemaker adjourned the June 2, 2011, Regular Council Meeting at 9:36 PM.

Respectfully submitted,

*Adam T. Brumbaugh*

Adam T. Brumbaugh  
Township Manager/Secretary