

**COLLEGE TOWNSHIP COUNCIL
REGULAR MEETING MINUTES**

Thursday, June 2, 2016

7:00 PM

1481 E. College Avenue, State College, Pennsylvania

ATTENDED BY:

COUNCIL:

D. Richard Francke, Chair
Carla Stilson, Vice Chair
L. Eric Bernier
Steven J. Lyncha
Anthony Fragola

STAFF:

Adam T. Brumbaugh, Township Manager/Secretary
Mark Gabrovsek, Zoning Officer
Mark Holdren, CRPA Sr. Planner
Mary E. Wilson, Asst. Township Secretary
Louis T. Glantz, Esq., Township Solicitor

ABSENT:

Kent N. Baker, Township Engineer

CALL TO ORDER:

Chair Francke called to order the June 2, 2016, Regular College Township Council Meeting at 7:00 PM, followed by the Pledge of Allegiance.

ANNOUNCEMENTS:

1. Chair Francke announced that Council met in Executive Session immediately prior to this meeting for the purpose of discussing a legal matter.
2. Chair Francke stated that, with Mr. Lynn Herman's recent resignation from Council, Council appointed on May 18th and welcomed Mr. Anthony Fragola this evening to his first meeting as an appointed member of Council. Mr. Fragola, having been duly sworn in, is able to participate fully as a voting member of this Council.

AFFIRMATIONS:

Mr. Lyncha moved to reaffirm the May 18, 2016, appointment of Mr. Anthony Fragola to the unexpired term on College Twp. Council vacated by Mr. Lynn Herman, effective June 1, 2016, with a term expiration date of Dec. 31, 2017.

Ms. Stilson seconded the motion.

Motion carried 4 - 0 (Fragola abstaining).

Mr. Lyncha moved to reaffirm the May 18, 2016, election of Mr. D. Richard Francke as Council Chair and Ms. Carla Stilson as Vice Chair, effective June 1, 2016, and with a term expiration date of December 31, 2016.

**Mr. Bernier seconded the motion.
Motion carried 4 - 0 (Fragola abstaining).**

Chair Francke shared his vision for his time as Chair, describing that it would be his goal to foster a positive, collaborative relationship with residents; fellow Council members; Authorities, Boards, and Commissions (ABC) volunteers; and staff and would strive to make sound and informed decisions based on trust and open lines of communications with discussions leading to effective action, not just talk.

COG/REGIONAL COMMITTEE REORGANIZATION:

Chair Francke advised that, as a result of Mr. Lynn Herman's resignation from Council, it was necessary to revisit Council members' COG committee assignments. Following a brief discussion, and confirmation by each Council member of their ability to serve in these capacities, the following assignments were made. These assignments will be effective through December 31, 2016, unless otherwise noted.

<u>MEMBERS:</u>	<u>PREVIOUS ASSIGNMENTS:</u>	<u>NEW ASSIGNMENTS OF:</u>
Lynn B. Herman	Human Resources Committee CCMPO, Through 2017	Anthony Fragola
D. Richard Francke	Finance Committee	L. Eric Bernier
Carla Stilson	Parks Capital (Vice Chair) PSEC (Vice Chair)	D. Richard Francke
Eric Bernier	Executive Committee (Chair)	Carla Stilson
Steven Lyncha	Transpor. and Land Use Comm. Public Safety Committee Spring Creek Watershed Commission	L. Eric Bernier Steven Lyncha Steven Lyncha Anthony Fragola

ABC APPOINTMENT:

Chair Francke reported that, due to Mr. Fragola's recent resignation from Planning Commission (PC), Council put out a call to ABC volunteers and ABC applicants inviting them to consider this vacancy. That submission period having ended, Council invited the sole applicant, Mr. Brian Stouffer, recent applicant for the open Council seat, to take the lectern. Following a brief review of Mr. Stouffer's qualifications and interest in the open PC position, Council took action to appoint him to the open seat on the College Township Planning Commission.

**Mr. Lyncha moved to appoint Mr. Brian Stouffer to the unexpired position on Planning Commission vacated by Mr. Anthony Fragola, effective June 2, 2016, with a term expiration date of December 31, 2016.
Ms. Stilson seconded the motion.**

Mr. Bernier clarified that Council previously interviewed Mr. Stouffer for the open Council seat and had, therefore, had the opportunity to ask him detailed questions about his ABC application.

**Chair Francke called the question.
Motion carried unanimously.**

PUBLIC OPEN DISCUSSION:

No Public Open Discussion matters were presented.

PLANS:

P-1 Verizon Wireless Communications Facility (WCF); 1100 Cortland Drive, Lemont

Chair Francke stated that the Verizon Wireless Communication Facility (WCF) - Lemont Preliminary/Final Land Development Plan was tabled at the May 19, 2016, Council Meeting in order for staff to review and address matters associated with stealth, height, Boalsburg Road access, pole diameter and design, and to seek additional legal opinion relative to this plan. Verizon subsequently revised their plan and resubmitted it to College Township on May 31, 2016.

Mr. Eric Brinser, P.E., Rettew Associates, described the changes reflected on the revised plan, which were offered in response to comments made both at the May 19th Council Meeting and in Mr. Baker's letter to the developer, dated May 25, 2016. Mr. Brinser 1) stated that the developer clarified the plan note and elevation view of the pole, providing to Council a copy of the diameter of the existing pole; 2) advised that Verizon would accept a condition to the plan to have the diameter of the pole be limited to a pre-determined size increase, such as, 20 to 25 percent (20% - 25%) of the diameter of the current pole; 3) reported that the equipment shelter could not be placed at the bottom of the lot based on the infeasibility and unsafe conditions associated with placing it on the 45% slope; 4) noted that, on the plan cover sheet, the Centre County signature block had been removed and the Planning Commission block corrected, changing "Approved" to "Reviewed;" 5) confirmed that a note was added to the plan that noise from the diesel generator would be in compliance with the Township's noise ordinance; and 6) advised, relative to stealthing, that the developer reduced the three sectors' width down to six feet wide and the three antenna on each sector down to six feet long. The developer requested a conditional approval, as well as a waiver from the sidewalk requirements along Cortland Drive and Boalsburg Road.

Council inquired into, or offered comments on, the lack of pole diameter specifications, the developers' choice not to build the more costly equipment shelter at the bottom of the lot, and the lack of any confirming documentation from First Energy, the property owner, that this plan met with their approval.

Ms. Stilson moved to deny the Preliminary/Final Land Development Plan for Verizon Wireless Communications Facility - Lemont, last revised May 31, 2016, due to the following:

- 1. Verizon is not the pole owner and has not provided sufficient detail that they have standing to make the application (Code §180-9(B)(19)(b));**
- 2. Verizon has not provided sufficient detail to verify that the proposed pole to support the antenna is an in-kind replacement, and this may deviate from the existing pole in foundation design, pole diameter, and/or pole height, making this a tower-based communications facility, which is not allowed in the R-1 Zoning District (Code §200-39.1.B.(1)); and**

- 3. Even if this is a non-tower-based wireless communication facility (WCF), the WCF is not camouflaged using stealth technology, as defined in §200-7 and is not unnoticeable to the casual observer (Code §200-39.1.D(4)(a)).**

Mr. Bernier seconded the motion.

Mr. Brumbaugh, Township Manager, advised that staff would insert the related code section numbers into the motion, as shown above.

With the motion and a second received to deny the subject land development plan, Chair Francke extended to the public an opportunity to voice support for the installation of the proposed wireless facility, which would be in opposition to the denial.

Mr. Carl Maher, Boalsburg Road, spoke in opposition to the proposed plan based on the unattractive appearance of the pole against Mt. Nittany.

Mr. William Ingram, Apple Court, spoke in opposition to the proposed plan based on cell towers not being permitted in the R-1 Zoning District.

Mr. Darren Figart, Jonathan St., spoke in opposition to the proposed plan based on its location on Cortland Drive.

Mr. Gene Bazan, Mary Street, spoke in opposition to the proposed plan based on impacts to property values, diesel generator noise, and impacts to the health of residents living nearby.

Chair Francke called the question.

Motion carried unanimously to deny the plan.

Chair Francke directed staff to schedule a special Council meeting to discuss language changes to the Wireless Communications Facilities ordinance.

REPORTS:

a. MANAGER'S UPDATE:

Council accepted the June 2, 2016, Manager's Update, highlighting 1) that there had been no issues reported as a result of the temporary opening of the Warner Boulevard construction area over the Memorial Day holiday; and, 2) the awarding of the Smith property curb construction at Oak Hall Regional Park entrance to Ameron Construction in the bid amount of \$17,400.

b. COMMITTEE REPORTS:

Public Services and Environmental Committee (PSEC), June 2, 2016: Ms. Stilson reported that PSEC reviewed a rough draft of a letter that will go out to entities interested in the Fiber Optics infrastructure study; received an update on possible organics collection; briefly discussed nutrient management and MS4 communities; and learned of a potential PUC distribution rate increase of 84% for LED street lights.

c. STAFF/PLANNING COMMISSION REPORTS:

No Staff or Planning Commission reports were presented.

Chair Francke announced that there would be an Affordable Home Buying Fair on June 8th, from 10:30 AM to 2:30 PM, at the Centre Region Council of Governments Building, General Forum Room, 2643 Gateway Drive, State College and encouraged the public to attend.

CONSENT AGENDA:

Chair Francke stated that, at the phone request of Penn State University, Consent Agenda Item CA-3, proposed Resolution R-16-12, was removed from this evening's agenda.

This item was moved to the June 16th Council meeting Consent Agenda to allow the required 30-day review period to expire.

CA-1 Minutes, Approval of: May 19, 2016, Council Regular Meeting

CA-2 Corresp., Receipt of: /1: Ltr from Comcast, dtd May 13, 2016, re: Joe Rocco Retirement
/2: Ltr from Labella Assoc., dtd May 16, 2016, re: Valley Farm Dairy Act 2 Report
/3.a.: Email from Mr. Ric Roberts, dtd May 25, 2016, re: Verizon WCF
/3.b.: Email from Ms. Gayle Roberts, dtd May 25, 2016, re: Zoning of WCFs
/4: Email from Ms. Beth Betts, dtd May 25, 2016, re: Cortland Drive WCF Comparison
/5: Email from Ms. Beth Betts, dtd May 27, 2016, re: Towers in the Non-Tower Section of the Code
/6: Email from Mr. Gary Morella, dtd May 30, 2016, subj: Our Input to You as Residents of Cortland Drive

CA-3 Resolution, Approval of: WITHDRAWN BY PENN STATE

Ms. Stilson moved to approve the June 2, 2016, Consent Agenda, as modified, minus CA-3.

Mr. Bernier seconded the motion.

Motion carried unanimously.

OLD BUSINESS:

OB-1 PSU University Planned District (UPD)

Mr. Mark Holdren, CRPA Sr. Planner, introduced proposed Ordinance O-16-07, University Planned District (UPD) Definitions Revisions, and proposed Ordinance O-16-08, UPD Subdistrict Map Revisions. These ordinances were crafted due to a request from Penn State University to potentially build a water tank to the north of the new water treatment facility, within Subdistrict 7, to accommodate the construction of the water tank on topography that would allow for a gravity-fed system. PSU is requesting that College Township change a 4.6-acre area to Subdistrict 8 from Subdistrict 7.

a. Ordinance O-16-07, University Planned District (UPD) Definitions Revisions; Review and Set Public Hearing

Mr. Holdren reported that proposed Ordinance O-16-07, University Planned District Definitions Revisions would amend the College Township Code by revising the definitions of “Essential Utility Services” and “Utility Uses, Facilities, and Structures.”

Ms. Stilson offered several grammatical corrections, which Mr. Holdren agreed to incorporate.

Mr. Bernier moved to set an August 18, 2016, public hearing on proposed Ordinance O-16-07, UPD Definitions Revisions, as amended.

Mr. Lynch seconded the motion.

Motion carried unanimously.

b. Ordinance O-16-08, UPD Subdistrict Map Revisions; Review and Set Public Hearing

Mr. Holdren reported that proposed Ordinance O-16-08, UPD Rezoning – Subdistrict 7 to Subdistrict 8 Map Amendment, would amend the College Township Zoning Map to rezone a four-acre portion of College Township Parcel 19-003-,100-,000 from UPD 7 to UPD 8.

Ms. Stilson requested that the “...1.15-acre portion...” in the summary be corrected to read “...a 4.5-acre portion...”

Mr. Bernier moved to set an August 18, 2016, public hearing on Proposed Ordinance O-16-08, UPD Subdistrict Map Revisions.

Mr. Stilson seconded the motion.

Motion carried unanimously.

NEW BUSINESS:

NB-1 Road Vacation Request, Hilltop Mobile Home Park

In written correspondence to Council, dated May 26, 2016, Mr. Brumbaugh, Township Manager, informed Council that College Township had received a petition from Mr. Ken Mayes and Ms. Sharon Mayes, property owners of the Hilltop Mobile Home Park, requesting that the Township vacate the portion of Pennsylvania Avenue to the west of Squirrel Drive, as well as Mobile Avenue, also west of Squirrel Drive. Both of these streets would be vacated from their intersection with Squirrel Drive to their intersection with Woods Road, a private road. Both Township streets are bordered by property owned by the Mayes. In accordance with the Second Class Township Code, the Township can vacate streets by ordinance adoption. With the mobile home park now empty, the Township no longer has any public interest in maintaining these roadways or in retaining ownership of the associated rights of way; and, vacating these roadways may facilitate redevelopment of the currently vacant property.

Mr. Lynch moved to direct staff to draft an ordinance and take other necessary steps to vacate the following roads: **Mobile Avenue from Squirrel Dr. to Woods Road; and Pennsylvania Avenue from Squirrel Dr. to Woods Road, and to set a public hearing on said ordinance for July 21, 2016.**
Ms. Stilson seconded the motion.
Motion carried unanimously.

Staff will move forward with notifying adjacent property owners and submitting required advertising.

NB-2 Introduction to Goals and Objectives for CIP Budget; Review and Set Schedule

Mr. John J. Franek, Jr., Management Analyst, advised that Council should consider scheduling a special meeting for the purpose of discussing the Township's goals and objectives. Identifying its goals and objectives will aid in the upcoming formulation of the 2017 – 2021 Capital Improvement Program (CIP).

Council members agreed to provide their availabilities to staff. It was anticipated that a special meeting would be scheduled for mid-June.

STAFF AND ABC INFORMATIVES:

No *Staff Informatives* were pulled for discussion.

OTHER MATTERS:

1. Chair Francke advised that there would be some streamlining of the Council meeting agenda publication procedures.
2. Mr. Bernier reported that he would not be at the June 16 Council meeting.
3. A welcome was extended to newly appointed Council member, Mr. Fragola.

ADJOURNMENT:

Hearing of no additional business, Chair Francke called for a motion to adjourn.

Ms. Stilson moved to adjourn the June 2, 2016, Regular College Township Council Meeting.
Mr. Francke seconded the motion.
Motion carried unanimously.

Chair Francke adjourned the June 2, 2016, Regular Council Meeting at 8:25 PM.

Respectfully submitted,

Adam T. Brumbaugh
Township Manager/Secretary