

**COLLEGE TOWNSHIP COUNCIL
REGULAR MEETING MINUTES**

Thursday, June 16, 2016

7:00 PM

1481 E. College Avenue
State College, Pennsylvania

ATTENDED BY:

COUNCIL: D. Richard Francke, Chair
Carla Stilson, Vice Chair
Steven J. Lyncha
Anthony Fragola

STAFF: Adam T. Brumbaugh, Township Manager/Secretary
Kent N. Baker, Township Engineer
Mark Gabrovsek, Zoning Officer
Mark Holdren, CRPA Sr. Planner
Mary E. Wilson, Asst. Township Secretary

ABSENT: L. Eric Bernier

CALL TO ORDER:

Chair Francke called to order the June 16, 2016, Regular College Township Council Meeting at 7:00 PM, followed by the Pledge of Allegiance.

ANNOUNCEMENT:

Chair announced that Council held two special meetings, on June 13 and June 15, for the purposes of reviewing the draft Wireless Communications Facilities Ordinance and to receive a staff presentation on the Township's goals and objectives for 2016-2017.

PUBLIC OPEN DISCUSSION:

1. Mr. and Mrs. Nick Lingenfelter, October Drive, described damage being caused to both their yard and driveway as a result of the large tree roots traveling from the Township's tree in the right of way in front of their home. The Lingenfelters presented a professional service estimate in the amount of \$3,700, the cost to repair the damage to their property. Mrs. Elizabeth Lingenfelter stated that she had spoken with the Public Works Director over the past three years and was told that the Township did not own a root cutter but would take the tree down for \$400, the price to purchase and replant a similar tree elsewhere in the Township. Mr. and Mrs. Lingenfelter requested that Council remove the street tree in front of their property, waive the \$400 charge, repair the damage caused by Township's tree, and

approve there being no replacement street tree planted at their property. Mr. Lingenfelter presented Council with copies of his email, dated May 14, 2016, with revised back-up information.

2. Ms. Mary Ann Christman, October Drive, presented a professional service estimate in the amount of \$3,500, the cost to repair the damage from two Township street trees along her property. Ms. Christman stated she has been in communication with Mr. Williams for close to six years about the visible street tree roots that have damaged her driveway and are now coming close to the sewer line. She was not interested in purchasing a \$400 replacement tree to be planted elsewhere and requested the \$400 charge be waived and damage repaired.
3. Ms. Denise McDonald, October Drive, stated that a similar situation exists at her property, and the tree roots from the Township street tree are traveling toward her house's foundation.

Chair directed staff to research this situation and return to Council with recommendations at either the July 21st or August 4th Council Meeting.

PLANS:

P-1 Fieldstone Phase 4 Time Extension Request; Review and Action

Mr. Kent Baker, Township Engineer, explained that the Fieldstone Phase 4, 90-day time extension request was being sought so that the developer could initiate construction. Additionally, the time extension would allow more work to be completed under their Preliminary Land Development Plan, which would save the cost of surety.

Mr. Lyncha moved to grant a 90-day time extension for Fieldstone Phase 4 Preliminary Land Development Plan to September 13, 2016.

Ms. Stilson seconded the motion.

Motion carried unanimously.

P-2 Keystone Preliminary/Final Land Development; Review and Action

Mr. Baker reported that Council previously granted this developer a 90-day time extension, which is about to expire. The developer recently withdrew his submission of the plan, resulting in no Council action being necessary.

REPORTS:

a. MANAGER'S UPDATE:

Council accepted the June 16, 2016, Manager's Update, which highlighted the status of grant application preparations for the Pike Street Streetscape initiative. This matter will return to Council on July 21st for approval.

b. COMMITTEE REPORTS:

Transportation and Land Use (TLU), June 6, 2016: Mr. Lyncha reported that TLU received a presentation from Mr. Vern Squier, Vice President and CEO of the Chamber of Business and Industry of Centre County (CBICC) regarding the “Single Point of Contact Program,” relative to seeking and securing new businesses to open in Centre County via CBICC initiatives. The TLU also received an overview from Mr. Jim May, Centre Regional Planning Agency (CRPA) on the Comprehensive Plan Implementation Program (CHIP) work programs.

Finance Committee, June 9, 2016: Chair Francke reported that the COG Finance Committee reviewed 1) proposed changes to the COG Capital Improvement Plan (CIP) process; 2) a recommendation to separate Library District Fund (S06) from Library Operating Fund (S05); 3) a request to investigate new investment avenues for excess COG funds, as per COG Investment Policy, adopted in 2014; and 4) audited 2015 ending Fund Balances. The Committee was advised that the Code Administration had taken possession of the new Fire Safety Trailer; approved the April 2016 Voucher Report; received the May 2016 voucher and financial reports for review/approval in July; and received notice that Ms. Amanda Murtha is resigning as Human Resources Director as of July 8, 2016. Current Finance Assistant, Ms. Becca Pettit, was offered and accepted the HR Director position.

Public Safety Committee, June 14, 2016: Mr. Lyncha reported that Public Safety reviewed the 2017 Program Plan.

c. STAFF/PLANNING COMMISSION REPORTS:

College Township Planning Commission (PC), June 7, 2016: Ms. Haining Schoeneman, Planning Commission-Council Liaison, reported that PC reviewed the latest version of Ordinance O-16-04, Solar Energy Systems.

CONSENT AGENDA:

Chair added Consent Agenda CA-2/5, updated email from Mr. N. Lingenfelter, dated May 14, 2016. Hard copies were presented to Council earlier at this meeting.

CA-1 Minutes, Approval of:

- June 2, 2016, Regular Council Meeting

CA-2 Correspondence, Receipt of:

- /1: Ltr from Labella Associates, dtd May 16, 2016, regarding Notice of Act 2 Final Report Submission, 629 Puddintown Road
- /2: Ltr from PennDOT, dtd May 25, 2016, regarding Final Report on 629 Puddintown Road
- /3: Ltr from Mr. Wade Bonsell, dtd June 3, 2016, re: Upkeep of Spring Creek at Creekside
- /4: Ltr From Ms. M.A. Christman, dtd June 10, 2016, re: October Drive Street Tree Problems
- /5: Ltr from Mr. N. Lingenfelter, dtd May 14, 2016, re: October Drive Tree Roots

CA-3 Resolution, Approval of:

- a. R-16-11, CATA 2016-2017 Local Match Shares
- b. R-16-12, PSU Water Reuse System Sewage Facilities Planning Module

CA-4 Appointments; Approval of:

- a. Mr. Steven J. Lyncha as Alternate on the CCMPO Coordinating Committee, with term expiration date of 12/31/2017, replacing Mr. D. Richard Francke
- b. Mr. D. Richard Francke as Primary Delegate on the Centre Area Cable Consortium (CACCC) for the remainder of 2016, replacing Mr. Herman

Ms. Stilson asked if staff would be following up on CA-2/3; and staff responded in the affirmative.

Ms. Stilson moved to approve the June 16, 2016, Consent Agenda, as presented.

Mr. Lyncha seconded the motion.

Motion carried unanimously.

OLD BUSINESS:

OB-1 Ordinance O-16-04, Solar Energy Systems

Mr. Mark Holdren, CRPA Sr. Planner, introduced proposed Ordinance O-16-04, Solar Energy Systems, in his correspondence to Council, dated June 10, 2016. The proposed ordinance, previously reviewed by Planning Commission (PC) and subsequently revised by PC, now reflects changes in the location of ground-mounted solar energy systems; maximum heights of ground-mounted solar energy systems; increased setbacks and setback exceptions for ground-mounted systems; minimum heights for systems in parking lots and structures; violations; and fire safety roof-mounted setbacks.

Ms. Stilson requested confirmation that regular clotheslines would not be considered solar energy systems; and staff replied that clotheslines would not be so considered.

Council offered the following comments on the proposed Solar Energy Systems Ordinance.

- Regarding the maximum height for ground-mounted systems, Council consensus reflected a revised height limit of ten (10) feet, instead of eight (8) feet.
- Pages 8 and 9, make language consistent relative to glare.
- A system mounted on a garage attached to a dwelling unit would be considered a habitable space.
- Non-conforming uses can continue to exist, including if the system needs to be repaired.

Public Comment:

Mr. Pat Vernon, Walnut Spring Lane, opposed the 30-inch setback restrictions around the roof and urged Council not to discourage the solar energy industry.

Chair Francke clarified that the 30-inch setback was recommended by the fire director in order to keep the first responders safe.

Mr. Mike Rybacki, Proprietor, Redstone Renewable Energy, LLC, offered comments on 1) the roof setbacks of 18 inches at the ridgeline; 2) roofs with 2:12 pitch (10% or less) being an exception; and 3) area beneath accessory or primary systems not considered as impervious coverage. Mr. Rybacki later suggested that municipalities considering such a solar energy ordinance in the future should first consult with the systems installers and fire companies for feedback and guidance.

Mr. Shaun Pardi, President, Envinity, and College Township Zoning Hearing Board Member, reported that the International Fire Code does not address solar arrays, although the 2012 Fire Codes do, which has the referenced exceptions.

Mr. Jason Grottini, Harris Township resident and Envinity staff member, stressed that a restrictive ordinance does not help the solar energy industry and asked Council to think outside the box.

Ms. Stilson commented that the fire director's comments were more about the way fires are fought, adding that the 2012 Fire Code cannot be used if the local fire company is not using it. Ms. Stilson added that, with the change to the ten-foot height, the proposed ordinance is ready to go.

Ms. Stilson moved to set an August 18, 2016, public hearing on Ordinance O-16-04, Solar Energy Systems, conditioned upon amendment to a change in maximum height from eight (8) feet to ten (10) feet; lot coverage consistency correction; and clarity on the solar glare definition.

Mr. Fragola seconded the motion.

Motion carried unanimously.

NEW BUSINESS:

NB-1 Houserville and Puddintown Roads Improvement Project; Award of

In written correspondence to Council, dated June 13, 2016, Mr. Baker advised that College Township received \$2,000,000 from PennDOT for taking over Houserville and Puddintown Roads, conditioned upon the roads being improved. Two bids were received for the needed road improvements, and Mr. Baker recommended the award of the bid to Glenn O. Hawbaker, Inc. in the amount of \$1,294,202.55.

Mr. Lynch moved to award the Houserville and Puddintown Roads Turnback Construction Project to Glenn O. Hawbaker, Inc., in the amount of \$1,294,202.55.

Ms. Stilson seconded the motion.

Motion carried unanimously.

NB-2 Consideration of Zoning Amendment for Community Corrections Centers and Similar Facilities; Review and Action

Mr. Mark Holdren, CRPA Sr. Planner, reported that College Township was in receipt of a letter from Uni-Tec Consulting Engineers, Inc., dated May 26, 2016, requesting a zoning district use change for property located at 201 Struble Road. Mr. Rodney Hendricks, property owner, was requesting a zoning district use change for his parcel (former Rutgers-Nease property) next to the new Veterans Administration Center. The proposed usage would be for a community corrections center, as being considered by developers Keystone Correctional Services, Inc. (KCSI).

In correspondence to Council, dated June 10, 2016, Mr. Holdren reported that the College Township Zoning Ordinance does not define such a use, and the closest match would be a “Halfway House/Rehabilitation Center,” which allows a maximum of only six (6) residents in the R-3, Multifamily Residential, or C-1, General Commercial, Zoning Districts. Mr. Holdren noted that Correctional Facilities had been permitted in the Forest District but were removed from the list of permitted uses in 2013 because it was deemed inappropriate at the time. This becomes an issue as court doctrine dating back to the 1960s instructs that a municipal zoning ordinance shall provide for all types of land uses; and this type of use is one that College Township does not currently allow. There is a “catch all” stipulation in the Zoning Ordinance that allows the zoning officer to interpret which zoning district to locate an excluded use (§200-110). Council was requested to discuss whether or not College Township would like to establish specific criteria for correctional facilities and halfway houses of more than six residents.

At Council’s request for staff’s initial recommendation, Mr. Holdren suggested that Rural-Residential (R-R) would seem a likely fit, as that is where a College Township portion of SCI Rockview is located. However, Twigs Lane is also zoned R-R.

In considering a remand to the Planning Commission (PC), Council discussed criteria for the PC to consider without wishing to place any undue restrictions on PC’s review. Council would request that PC include in its evaluation a review of definitions and stipulations on use by right and conditional use; comparisons with other areas, such as Lycoming County and Williamsport; and to provide an interim report back to Council prior to their generating a final recommendation to Council.

Ms. Stilson moved to remand the Zoning Amendment for Community Corrections Centers and Similar Facilities to Planning Commission to review ordinance definitions; consider stipulations on use by right and conditional use; and provide an interim report back to Council prior to PC’s making a final recommendation to Council.

Mr. Lynch seconded the motion.

Mr. Mark Frailey, Keystone Community Correctional Services, reported that Mr. Hendricks’ property in the Industrial Zoning District is ideally situated for their purpose, as supported by a review by the Centre County Planning and Community Development Office.

Chair Francke called the question.

Motion carried unanimously.

STAFF AND ABC INFORMATIVES:

No *Staff Informatives* were pulled for discussion.

OTHER MATTERS:

OM-1 College Township Goals and Objectives

On June 15, 2016, Council held a Special Meeting for the purpose of reviewing and revising the Township's Goals and Objectives. At that meeting, staff offered several questions, which returned to this meeting for responses.

1. What do you view as the key services that the Township provides to its citizens?
 - Council response: Provide for safety; provide planning and management thereof; and maintain and improve the Township's infrastructure.
2. Are there any modifications/additions needed to current key services?
 - Council response: None at this time.
3. Are there any new, key services that should be investigated or added?
 - Council response: Conduct a Township-specific review of the Comprehensive Plan with emphasis on the Township's pedestrian traffic, sidewalk master planning, and bike paths.
4. Are there any thoughts on economic diversification, i.e., something that brings people to State College that is not associated with the University?
 - Council response: In an effort to attract businesses and jobs into the area, consider 1) offering open-house type events to businesses and developers to identify both the problems causing their difficulty in locating here and solutions to those obstacles ; 2) providing development mentorships to potential business entities that find the complexities of navigating through Code requirements too restrictive; 3) enacting ordinances, such as housing diversity, that could lead to economic development; and 4) marketing the beneficial reuse water to potential businesses, as well as the future fiber optics currently being enhanced.

OM-2 Open House Announcement

Mr. Brumbaugh announced that the Centre County Housing and Land Trust (CCHLT) will be holding an open house event at two, recently completed, affordable housing units on June 26th from 1 PM to 4 PM at Woodycrest Street in Patton Township and invited Council and the public to attend.

OM-3 CTIDA Council Liaison

Mr. Brumbaugh advised that the CTIDA is currently without a Council liaison and requested a Council member to consider serving in this capacity. Mr. Lynch expressed his interest in this assignment. Chair Francke requested that Mr. Bernier also be advised prior to Council's taking any action to appoint a Council member to this liaison position.

ADJOURNMENT:

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

**Ms. Stilson moved to adjourn the June 16, 2016,
Regular College Township Council Meeting.
Mr. Lyncha seconded the motion.
Motion carried unanimously.**

Chair adjourned the June 16, 2016, Regular Council Meeting at 8:40 PM.

Respectfully submitted,

Adam T. Brumbaugh

Adam T. Brumbaugh
Township Manager/Secretary