

**COLLEGE TOWNSHIP COUNCIL**  
**REGULAR MEETING MINUTES**  
**Thursday, June 18, 2015**

**ATTENDED BY:**

**COUNCIL:** L. Eric Bernier, Chair  
Carla Stilson  
D. Richard Francke  
William H. Sharp

**STAFF:** Adam T. Brumbaugh, Township Manager/Secretary  
Kent N. Baker, Township Engineer  
Robert T. Long, Jr., Finance Director  
Mark J. Gabrovsek, Zoning Officer  
Mark Holdren, CRPA Sr. Planner  
Mary E. Wilson, Asst. Township Secretary

**ABSENT:** Lynn B. Herman, Vice-Chair

**CALL TO ORDER:**

Chair Bernier called to order the June 18, 2015, Regular College Township Council Meeting at 7:00 PM, followed by the Pledge of Allegiance.

Chair Bernier introduced Mr. Mark J. Gabrovsek and welcomed him to his first Council meeting as the Township's new Zoning Officer. Mr. Gabrovsek subsequently offered a brief bio and expressed his thanks for the opportunity to work with Council, staff, and residents.

**OPEN DISCUSSION:**

No *Open Discussion* matters were presented.

**SPECIAL PRESENTATION:**

**SP-1 C-NET Update**

Ms. Cynthia Hahn, C-NET Executive Director, introduced Ms. Pamela Richards-Visnovsky, College Township representative on the C-NET Board, before presenting the *2014 C-NET Annual Report* and distributing a handout on College Township's sponsored C-NET programming in 2014. College Township supported 43 sponsored programs and 52 bulletin board messages, the latter equaling 5.1 "programs". Combined, College Township sponsored

48.1 programs, which equated to 9.02% of the total sponsorship by all C-NET members in 2014. From 2010 through 2014, College Township's sponsorship equaled 8.69% of the total C-NET usage by all members during that time.

Ms. Hahn reported that C-NET is in the first year of a three-year transition to high-definition broadcasting and has also started live, online streaming of Ferguson Township Board of Supervisors' meetings.

In response to Council inquiry about the lack of a C-NET presence on satellite television, Ms. Hahn reported that, unlike cable television companies, satellite/digital television companies, such as DIRECTV, are not mandated to carry local Public, Educational, and Governmental (PEG) access channels.

Council members extended their appreciation to C-NET staff and production crews for another year of excellent services.

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

Mr. Adam Brumbaugh, Township Manager, presented the June 18, 2015, Manager's Update, offering an update on 1) the recent Pennsylvania Fish and Boat Commission's meeting at the Gordon D. Kissinger Meadow on stream evaluations and sampling techniques; and 2) the recent Oak Hall Regional Park stormwater remediation meeting held to review design factors.

The June 18, 2015, Manager's Update was received, as presented.

#### **COMMITTEE REPORTS:**

**Executive Committee, June 16, 2015:** Chair Bernier reported that the Executive Committee met to set the agenda for the June 22, 2015, COG General Forum Meeting.

**Spring Creek Watershed Commission (SCWC), June 17, 2015:** Mr. Sharp reported that the SCWC received a presentation about the Bellefonte Waterfront Development Project; reviewed a proposal for a Spring Creek Watershed Mapping Project; and discussed the future objectives of the Commission. Consensus favored the focus of future meetings being on the vision, mission and development of, and support projects.

**College Township Industrial Development Authority (CTIDA), June 17, 2015:** Mr. Sharp reported that he attended his first meeting as Council Liaison to the CTIDA. The CTIDA received its monthly Treasurer's Report for May 2015; discussed the goals for the newly formed Marketing Committee in introducing area banks to CTIDA loan services offered to area businesses; and discussed upgrades to both email services and CTIDA website material.

**PA Fish and Boat Commission (PFBC) Meeting, June 18, 2015:** Ms. Stilson reported that she and Mr. Francke attended the aforementioned PFBC meeting at the Gordon D. Kissinger Meadow. Mr. Jason Detar, presenter, described how the PFBC conducts their own fish counts,

specifically in intermittent streams, such as Slab Cabin Run. Ms. Stilson reported that Mr. Detar relayed the Commission's concern for the health of the stream, i.e., increasing water temperatures, due to increasing amounts of impervious surfaces and recommended that smart development protocols be exercised to protect the stream's integrity. To aid in offering additional protections to the aquifers, Ms. Stilson reiterated PFBC's suggestion of developing overlay districts over the ridges.

### **CONSENT AGENDA:**

- CA-1** Minutes: June 4, 2015, Regular Council Meeting  
**CA-2** Correspondence: /1: Letter from Centre Region Code Administration, dtd June 8, 2015, regarding CRCA-Municipal Relationship  
/2: Letter from Centre Regional Planning Agency, dtd June 10, 2015, Subj: Act 537 Sewage Facilities Plan Update – Response to General Forum Questions  
**CA-3** Bid Award: Lemont Post Office Sidewalk Improvements and Resurfacing of Parking Lots; Rejection of  
**CA-4** Resolution: R-15-09, PennDOT Automated Red Light Enforcement (ARLE) Grant Funding; Approval of

Council pulled Consent Agenda Item CA-4 for discussion.

**Mr. Francke moved to approve the June 18, 2015, Consent Agenda, minus Item CA-4.**  
**Mr. Sharp seconded the motion.**  
**Motion carried unanimously.**

CA-4: Mr. Sharp requested an explanation about what the proposed ARLE project involves; and, Mr. Baker, Township Engineer, reported that such equipment can detect vehicles in or approaching ARLE-equipped intersections without the need for underground loops. The ARLE system is more efficient in controlling the traffic signal.

**Mr. Sharp moved to approve Consent Agenda Item CA-4, Resolution R-15-09, PennDOT Automated Red Light Enforcement Grant Funding.**  
**Ms. Stilson seconded the motion.**  
**Motion carried unanimously.**

### **OLD BUSINESS:**

#### **OB-1 COG Fund Balance Procedures; Discussion**

In email correspondence, dated May 22, 2015, Mr. Jim Steff, Centre Region Council of Governments' Executive Director, forwarded the COG Finance Committee's request for municipal comments on a draft fund balance policy. Council conducted its preliminary review

on June 4, 2015. At that time, Council directed staff to meet with Mr. Francke to formalize Council's preliminary comments and return to Council for a final review prior to forwarding to COG.

Messrs. Francke, Brumbaugh, and Long reported that they met on June 11 to formulate Council's comments on COG's draft fund balance policy. Comments for Council's second review of this draft policy included the following.

- College Township supported a Fund Balance Policy that describes the procedures that execute the policy.
- Creation of a policy should be developed by a small, specialized group/multi-year project.
- A Fund Balance Policy will complement another recent tool, i.e., the municipal contribution "cap".
- It is important to have timely and accurate financial reporting and analysis; and, having a Fund Balance Policy is a natural next step and a valuable tool for COG both internally and externally.

**Mr. Francke moved to instruct staff to formalize Council's comments, highlighting the main points; and to forward the same to the COG Executive Director.**

**Mr. Sharp seconded the motion.**

**Motion carried unanimously.**

Formal comments are to be forwarded to the Centre Regional Council of Governments' Executive Director by June 22<sup>nd</sup>.

## **OB-2 Shiloh Road Rezoning Request; Motion to Remove from the Table and Discussion**

This matter was tabled without discussion at the June 4, 2015, Regular Meeting and placed on this agenda for review.

**Ms. Stilson moved to remove from the table the Shiloh Road Rezoning Request agenda item for discussion.**

**Mr. Francke seconded the motion.**

**Motion carried unanimously.**

Mr. Mark Holdren, CRPA Sr. Planner, offered an overview of the Shiloh Road Rezoning Request, which had previously been presented to Council on May 7, 2015. The proposal included approximately 87 acres of Planned Research and Business Park Development (PRBD) on a portion of the Rogers and Clair tracts; 36 acres of General Commercial on the Maxwell, Christ Community Church of State College (CCCSC), Cavell, and Kunes tracts; and 12 acres on the remaining portion of the Rogers tract along Trout Road.

In correspondence to Council, dated May 31, 2015, Mr. Holdren described the reduced number of residential units now proposed for the area from over 700 units originally now down to 117. Following his overview, Mr. Holdren reported that CRPA recommended rezoning these parcels.

Chair Bernier directed discussion to consider 1) the need or demand for rezoning this area; 2) Nolin soils protection; water well protection; and the College Township Water Authority (CTWA) comment letter on this rezoning request; and 3) the University Area Joint Authority (UAJA) comment letter on the same.

*(To ensure the reader's ease in following the discussion, the below comments are not in strict chronological order but, rather, pulled together by the three points of discussion identified above by the Chair.)*

#### Need/Demand for Rezoning

In response to Council inquiry regarding the need for commercial lands, Mr. Holdren explained that, regardless of vacant/available lands in the Centre Region, only 57 acres remained in College Township as designated for commercial uses. Additionally, the Shiloh Road area, situated close to I-99, has been specifically identified in the *Centre Region Comprehensive Plan* as future commercial land.

#### Nolin Soils and Wellhead Protection; CTWA Comments

In correspondence to Council, dated June 1, 2015, Mr. Brumbaugh, who also serves as the CTWA Manager, forwarded the *Nolin Soils Study for Shiloh Road Area*, dated May 23, 2005, and prepared by Dr. Gary W. Peterson, and a report from CTWA consulting engineering firm, Entech Engineering, dated May 29, 2015. The latter offered comments and recommendations on the subject rezoning request. The report offered comments on all four proposed rezoning options relative to potential for negative impacts to the CTWA Rogers Well and supported the placement of at least a 100-foot buffer of the Nolin soils, as per the *Shiloh Road Land Use Plan*, as well as the implementation of enhanced stormwater controls. CTWA also supported a recommendation for the expansion of the Wellhead Protection (WHP) Overlay District from 400 feet to 1,200 feet and the addition of a protection zone for Nolin soils due to sinkholes, which allow unfiltered surface runoff to travel into the groundwater supply. Entech's report also voiced concern for the transport of hazardous substances through the WHP Overlay District and recommended this threat be mitigated by redirecting such vehicles to other roadways.

Recognizing the need to protect these areas, Mr. Holdren suggested that Council could modify the protection zones by amending the storage tank and wellhead protection ordinances to prohibit storage tanks and expand the wellhead and Nolin soils protection zones.

Ms. Stilson stressed that the two ordinances, as written, do not prevent development of Nolin soils areas.

Council inquired into official protocols that were in place for a low-probability-but-high-impact event that could impact the water. Staff advised that the CTWA was well aware of possible spill events that could happen on nearby I-99 and have response protocols in place for that and any

other such water well-impacting events that could occur in the Shiloh Road study area now or once developed. Mr. Brumbaugh stated that CTWA has been proactive in repairing sinkholes that have occurred on the Clair property, as they pose a clear and present danger to contamination of the Rogers Well. However, the CTWA hopes that a solution can be instituted that would mitigate the threat to its well. Fortunately, with the vigilance exercised by the CTWA, there has never been any well contamination problem at the Rogers Well.

Mr. Don Hartzell, CTWA Board member, stated that, at their June 17 meeting, the CTWA Board voted unanimously to recommend that there be no change to the current zoning of the Shiloh Road area, which would still allow one-acre lots for single-family homes. Mr. Hartzell added that it would cost \$4,000,000 to build a new well should Rogers Well be compromised.

### UAJA Comments

In correspondence to Council, dated May 29, 2015, the UAJA expressed opposition to the Shiloh Road rezoning change and to the expansion of the Regional Growth Boundary/Sewer Service Area (RGB/SSA) based on 1) existing zoning densities region wide, at build out, being projected to exceed current plant capacity; 2) \$3,000,000 cost of mitigating the current odor problem east of the treatment plant; and 3) uncertainty surrounding who would provide the required nutrient credits for the added, rezoned lands.

Council noted that 1) prior UAJA presentations to the municipalities reported that the plant had considerable capacity, even for projects outside the RGB and questioned the discrepancy; and 2) a sewer treatment facility is going to bring with it an odor, and it is unreasonable to expect otherwise, and suggested that those considering the purchase of nearby properties be so advised.

Mr. Brumbaugh stated that the two area sewer authorities able to serve this site, University Area Joint Authority (UAJA) and the Spring Benner Walker Joint Authority (SBWJA), have been in negotiations for a number of years over who will provide sewer service to the Shiloh Road area; however, an agreement has yet to be reached on service territory realignments. The UAJA, whose plant is across Shiloh Road, has the ability to provide service with the least amount of expense; while the SBWJA's nearest lines are a considerable distance away. Mr. Brumbaugh added that the UAJA and the Centre Region COG need to work on the nutrient credits to identify how best to ensure that UAJA can remain in compliance.

Mr. Brumbaugh reported that, in September 2004, College Township and the Shiloh Road Land Use Study Committee commissioned The Louis Berger Group, Inc., to produce a report, later entitled *Economic Impact Study of Shiloh Road Land Use Options*. That report studied the four different land use scenarios in the study area and identified projected absorption rates. Council requested copies of that study for the next review of this manner. For clarity, Mr. Brumbaugh advised Council that it is not UAJA's responsibility to evaluate municipal rezoning decisions. UAJA treats effluent; they do not dictate municipal policy.

Mr. Gerald Rogers, owner of 60 acres west of Shiloh Road, reported that UAJA's odor problem is bigger than what is reasonable and can be detected at the Nittany Mall. Additionally, Mr. Rogers noted that Mr. Miller, UAJA Executive Director, previously reported that the plant had

plenty of capacity for future development, as evidenced by their consideration of bringing parts of Halfmoon Township into the Sewer Service Area.

Because the Planning Commissioners did not have the benefit of reviewing the CTWA's recent comments to Council on this rezoning, which were provided after PC's review, Mr. Francke requested that time be allocated at an upcoming meeting to discuss how Council and staff might schedule reviews of this and all future rezoning requests in order to maximize the benefits of all review comments collectively. Mr. Francke also stressed that comments are both sought and appropriate from authorities, boards, and commissions on issues that are being presented to Council; however, recommendations are not appropriate.

Council directed staff to meet with the College Township Planning Commission and the CTWA to obtain comments on the recent information on the rezoning request and return to Council with staff recommendations on 1) the CTWA comments regarding wellhead protection expansion; 2) Nolin soils protections within the wellhead protection zone; 3) enhanced stormwater regulations that could be considered for the subject parcels; 4) reconsideration of capping building size in the PRBD to promote a maximum height for non-residential retail buildings to 35,000 square feet; and 5) Entech Engineering's Best Management Practices to see how they could fit in the wellhead and Nolin soils areas.

*Chair Bernier called for a ten-minute recess at 9:40 PM and reconvened the meeting at 9:50 PM.*

**OB-3 Trans Associates Traffic Engineering Services; Pike St. at Dale St. Analysis;  
Approval of**

In correspondence to Council, dated June 12, 2015, Mr. Kent Baker, Township Engineer, stated that, at Council's prior direction, staff sought and received a proposal from one of the Township's consulting engineering firms, Trans Associates, for a study of Pike Street at Dale Street in the amount of \$4,200. Such a study would investigate the need and/or benefits of adding stop signs or a traffic signal at the Pike Street at Dale Street intersection.

**Ms. Stilson moved to approve the Proposal for Traffic Engineering Services from Trans Associates, dated May 26, 2015, for a Pike Street at Dale Street analysis for an all-way stop or traffic signal, in the amount of \$4,200.  
Mr. Sharp seconded the motion.**

Ms. Stilson noted that, in studying this intersection, Council will also be able to learn of traffic counts on Pike Street; and staff confirmed that.

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

## **NEW BUSINESS:**

### **NB-1 Thompson Woods Preserve/Walnut Spring Management Plan**

Ms. Katie Ombalski, ClearWater Conservancy (CWC) Conservation Biologist, introduced Carol Mahan, Ph.D., Penn State University Altoona Associate Professor of Biology and Environmental Studies, and James C. Finley, Ph.D., Professor of Forest Resources, prior to Dr. Finley's PowerPoint presentation on the Thompson Woods Preserve/Walnut Spring Forest Stewardship Plan.

The panel advised Council that CWC and the Center for Private Forests at Penn State are proposing to partner with College Township and the State College Borough to develop a Forest Management Plan for Thompson Woods and Walnut Spring Park. Such a management plan would maximize the ecological health of these urban woodlots, which total nearly 62 acres. Both CWC and Penn State's Center for Private Forests would work directly with a forester to develop the plan in conjunction with municipal staff. The forester would begin evaluating the Preserve during the growing season, which will run into October this year.

Dr. Finley requested the financial support of both College Township and the State College Borough in the estimated total amount of \$4,500. Each municipality, therefore, would contribute \$2,250, and CWC would pay for any plan development costs that may exceed the estimate.

Dr. Mahan described the difference between the current Thompson Woods Preserve Management Plan, which addressed trail development, and a revised plan that would improve the forest itself by identifying where active management would need to occur. This effort would also include a public education component.

Council expressed support for using the Preserve for educational purposes.

**Ms. Stilson moved that Council approve the request for \$2,250 for the stated purpose contingent upon the support of the State College Borough moving to approve this expenditure in advance of the end of the current growing season.**

**Mr. Francke seconded the motion.**

**Motion carried unanimously.**

### **NB-2 Rhodes Lane Rezoning Request, Tax Parcel 19-022-099; Discussion**

In correspondence to Council, dated June 15, 2015, Mr. Mark Holdren, CRPA Sr. Planner, forwarded a request to rezone a 1.7-acre parcel located at the intersection of First Avenue and Rhodes Lane from Single-family Residential (R-1) to Two-family Residential (R-2).

Mr. Rick Swanger, property owner with Mr. James Nixon, was present to answer Council questions and to request this rezoning to allow for the construction of three duplex buildings (six dwelling units).

Following the review of this rezoning request, it was staff's recommendation that Council deny the request based on 1) a rezoning bringing the R-2 zoning designation to the opposite side of the railroad, a natural barrier between the First Avenue and the Limerock Terrace neighborhoods; 2) concern that a rezoning could result in pressure to extend that R-2 zoning to other properties adjacent to this property; 3) an upzoning of this property as requested could exceed the original duplex plan, which could include townhomes that staff believes are incompatible with the First Avenue neighborhood; 4) adequate land already existing for future residential development for the next 20 to 30 years; and 5) one of the objectives of the Comprehensive Plan encouraged municipalities to "maintain established, single-family neighborhoods...". Staff suggested that, rather than rezone this parcel, Council could consider allowing duplexes back into the R-1 Zoning District, as it was prior to 2003.

Council 1) questioned whether or not UAJA would oppose this rezoning request due to increases in density; 2) supported staff's recommendation to deny; 3) supported the consideration of adding duplexes back into the R-1 by use by right or with conditions; and 4) questioned whether a change back to R-1 could be further amended to stipulate a limited number of duplexes per acre. In response to a Council question regarding the particulars of the private driveway that would serve this property, Mr. Holdren advised that the developer would have to determine how best to accommodate emergency vehicles and snow removal.

Mr. Rick Swanger stated that allowing duplexes in the R-1 would be acceptable to his objective of constructing duplexes and added that he was also open to condominium townhomes, as well.

**Ms. Stilson moved to deny the Rhodes Lane Rezoning Request.**

**Mr. Francke seconded the motion.**

**Motion carried unanimously.**

**Mr. Francke moved to remand to the Planning Commission for an evaluation of impacts to the balance of the R-1 areas resulting from an addition of duplexes as use by right or with conditions.**

**Ms. Stilson seconded the motion.**

**Motion carried unanimously.**

#### **STAFF INFORMATIVES:**

SI-1: Mr. Sharp reported that an Independence Place resident advised that the odor problem from the UAJA plant several days prior was the worst it has ever been.

#### **OTHER MATTERS:**

Council directed the Township Manager to prepare a draft response letter to the UAJA for Council's review.

**ADJOURNMENT:**

Hearing of no additional business, Chair Bernier called for a motion to adjourn. Ms. Stilson so moved, and Mr. Sharp seconded the motion.

Chair Bernier adjourned the June 18, 2015, Regular Council Meeting at 10:45 PM.

Respectfully submitted,

*Adam T. Brumbaugh*

Adam T. Brumbaugh  
Township Manager/Secretary