

**COLLEGE TOWNSHIP REGULAR
COUNCIL MEETING MINUTES
Thursday, July 19, 2012**

ATTENDED BY:

COUNCIL:

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

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
Louis T. Glantz, Esq., Township Solicitor

CALL TO ORDER

Chair David Fryer called to order the July 19, 2012, College Township Council Regular Meeting at 7:01 PM, followed by the Pledge of Allegiance.

ANNOUNCEMENT:

Chair Fryer announced that Council met in Executive Session on Monday, July 9, 2012, for the purpose of discussing a legal matter regarding The Villas at Happy Valley.

OPEN DISCUSSION:

None.

Chair Fryer moved OB-4, Villas at Happy Valley, and OB-1, Panorama Village Open Space, forward on the agenda to follow P-1, The Retreat at State College, for the convenience of those in attendance.

PLAN:

**P-1 The Retreat at State College Final Planned Residential Development Plan;
Tax Parcels 19-005-002-0000 and 19-002A-023-0000, 300 Waupelani Drive**

This PRD submission reflected the development of a 24.01-acre parcel, 20.46 acres of which are in College Township and the remaining 3.55 acres situate in the Borough of State College. The plan proposes a 138-unit housing development on Waupelani Drive to be developed in one single phase under College Township PRD zoning regulations

Mr. Jon Williams, Williams and Associates, Athens, Georgia, thanked Township staff for working with them on The Retreat at State College Final Planned Residential Development (PRD) Plan before presenting the subject and requesting Council's review and approval. In response to Council's request for clarification, the developers offered their concurrence with College Township's plan conditions associated with its final approval.

At Council's request for a description of changes since this plan's last review, Mr. Williams reported that the driveway was shifted due to the Borough of State College's alignment desires. This did not affect the number of units or parking spaces. Additionally, Mr. Williams reported that the walkway at W. Whitehall Road did not receive the needed support of adjacent residents; therefore, it will not be installed at this time.

Mr. Baker clarified that this lack of resident support for the walkway does not change what appears on the final plan.

Chair Fryer opened the floor to public comment.

Mr. Don O'Bryan, 2467 Jalice Circle, stated that he had a small interest in The Retreat at State College property, adding that he felt the plan would improve the area and was professionally done before offering his support of the project.

Mr. George Dickie, 242 W. Whitehall Road, commended the plan but voiced some concerns about 1) the excavation work causing ingress elevation changes; 2) construction vehicles possibly utilizing W. Whitehall Road and causing road damage; 3) auditory noise from site blasting; and 4) the buffer area trees potentially not being protected from damage from fence installation work.

Mr. Williams agreed that the grading plan did change from the original PRD to the Tentative Plan; however, the final plan is nearly identical to the original, neighbor-preferred plan. Mr. Williams confirmed that all construction vehicle access to the site will be on Waupelani Drive; and construction noise levels will be in compliance with the Noise Ordinance. Regarding protecting the buffer, Mr. Williams stated that the developer, not a third party, will be constructing the project and will be exercising close supervision of all aspects of the project.

Chair Fryer displayed a 'before' photograph of a portion of the site, which was submitted by a resident, who hoped that protected areas remained undisturbed.

Mr. Klees moved to approve The Retreat at State College Final Planned Residential Development Plan, dated June 8, 2012, last revised July 9, 2012, subject to the following conditions:

- 1. The Retreat shall be bound by the representations made at the Tentative Plan Public Hearing regarding the operation, management, rules, regulations, and restrictions for the project.**
- 2. The Retreat shall enter into a Developer's Agreement with College Township and post surety in the amount of \$1,766,298.63 for all public improvements described in the surety checklist approved by the Township Engineer.**
- 3. The Retreat shall make a \$100,000 contribution to the Township, prior to recording of the Record Plan, to be placed in a College Township escrow fund to be used by the State College Borough to make traffic improvements recommended by the Transportation Impact Study (TIS) at the intersection of South Allen Street with South Atherton Street and other improvements determined to be necessary by College Township and State College Borough.**
- 4. The Retreat shall make a \$135,000 contribution to the Township, prior to recording of the Record Plan, to be placed in the College Township escrow fund to be used for a public project to benefit the community at large, specifically a sidewalk improvement project along West Whitehall Road.**
- 5. The Retreat shall obtain land development approval from State College Borough to complete any portion of the development located in State College Borough.**
- 6. The Retreat shall obtain all required approvals from Centre County and the Commonwealth of Pennsylvania necessary to develop the property in accordance with the Final Plan.**
- 7. Obtain all required signatures on the plan.**
- 8. Pay all outstanding plan review fees.**
- 9. Verify the Uniformity Ratios located on the Exterior Lighting Checklist.**

Mr. Koll seconded the motion.

Motion carried 3 – 2 (Fryer, Shoemaker voting nay).

To further clarify following Council inquiry relative to grading concerns expressed by Mr. Dickie, Mr. Williams confirmed that the developer will not be grading inside the 20-foot buffer.

OLD BUSINESS:

OB-4 Villas at Happy Valley Final Plan Approval Discussion

Jeffrey Ernico, Esq., Mette and Evans, Harrisburg, Pennsylvania, representing the developers of the proposed Villas at Happy Valley, advised Council that the developers, BVRE, LP and Keystone Real Estate Group, were paying the Township's stated fee-in-lieu of parkland amount of \$1,148,424.00 under protest. In associated correspondence from Atty. Ernico, dated July 19, 2012, distributed to Council at this meeting, concern was expressed that the definition of "land area attributable to a unit" in the Township Ordinance did not satisfy the Municipalities Planning Code (MPC) requirement of "definite standards" for determining the fee-in-lieu, and that Council's demand had no reasonable relationship to the anticipated use of the development inhabitants. College Township was requested to hold that sum in escrow pending the resolution of any land use appeal the developers may file in the Court of Common Pleas of Centre County. The developers plan on paying the required transportation impact fee and plan review fees on July 20, 2012.

Chair Fryer concurred that the request to reserve those funds in escrow was reasonable pending the resolution of this matter.

OB-1 Panorama Village Open Space; Public Comment

In written Township correspondence to area residents, dated July 3, 2012, affected Panorama Village residents were advised that College Township had received a potential Eagle Scout service project request for the cleaning up of a portion of the Panorama Village Open Space, an area of approximately one-half acre. The original homeowners' association maintaining this parcel began its care in 1956 but is no longer active. College Township does not own the property, and, therefore, cannot approve the Scout request at this time. However, because the parcel in question no longer has a functioning association overseeing its care, for the safety of area residents using the property, and with residents' support, the Township could consider taking over the ownership and maintenance responsibilities of the Panorama Village Open Space. Mr. Baker reported that, if College Township were to own this property, it would be maintained as a local park for the Panorama Village neighborhood with the current walkways from adjacent properties' backyards. Mr. Baker noted that, although there are not currently very many children in the area who visit the open space, future turnover of properties would likely see young families with children returning to Panorama Village and using its designated open space.

In response to Council inquiry, Mr. Baker reported that some of the existing, original playground equipment could be refurbished, but some of the equipment needs to be removed for safety's sake.

Ms. Jean Slear, 124 Maple Lane, stated that her property abuts the open space. Due to there being no remaining, living members of the original association, Centre County Tax Office some time ago asked Ms. Slear, as adjacent property owner, to be the official designee for the open space, and she concurred. Ms. Slear reported that she objected to this open space becoming an attractant to people wandering onto her property and/or parking on her property or on the street at the entrance to her driveway, although she did add that she believed that College Township would do a great job of maintaining the open space. Ms. Slear expressed a desire to see the area kept clean, safe, and decent; however, she expressed concern about noisy children.

Mr. Baker stated that any Panorama Village property owner, either abutting the open space or otherwise, could sign the needed quit claim deed, as all the property owners in the subdivision have rights to the park.

Ms. Susan DelPonte, 132 Panorama Drive, opposed the takeover of the Panorama Village Open Space based on 1) its development and any signage potentially attracting people from outside the area to the park, who would have parking needs; 2) the current unsafe condition of the equipment and stone walls in the open space; 3) today's children no longer utilizing park areas; 4) noisy, rude children who came to the open space who would disturb the quiet neighborhood; and 5) homeowners subsequently becoming wary of activities outside of their homes. Ms. DelPonte suggested that perhaps the residents immediately surrounding the area might want to purchase the area.

Mr. P. Tagala, 3523 S. Atherton Street, expressed concern with the walkway becoming a temptation to people who may want to drive down and park on the walkway.

Mr. Baker confirmed that the access is for local residents and Township uses for maintenance purposes. If the Township took over the ownership of the open space, it would still remain up to the residents to request any specific equipment they would wish to be placed there.

Council stressed that this would remain a pedestrian-accessed, neighborhood park and suggested that the Township could chain the walkway against motor vehicles.

Ms. Melissa Diamanti, 151 Panorama Drive, opposed the Township's taking over of the Panorama Village Open Space due to 1) the general public/outsideers becoming attracted to their neighborhood to use the park; and 2) the disruption that would bring to the quiet nature of the neighborhood. Ms. Diamanti asked for examples of other neighborhood open spaces/parks that would be comparable to the Panorama Village Open Space, and Council noted that Harris Acres on Hubler Road and Glenn Park on Shady Drive are two examples of passive, pedestrian-accessed, neighborhood parks in the Township.

Mr. Baker stressed that College Township does not need another park. However, the Township does want this space taken care of. If the neighborhood cannot perform the upkeep needed, the Township could step in, if the neighbors so requested.

Ms. Leigh Roberts, 122 Panorama Drive, stated that the open space does need maintenance and care, felt it should remain a private park, but felt that the residents should request Township assistance for its upkeep.

Louis Glantz., Esq., Township Solicitor, advised that the Panorama Village property owners already own the open space; all have an ownership interest in it and assume the liability of it.

Mr. Baker added that Township insurance clauses would not allow the Township to access private property for the purpose of maintaining that private property, and suggested that someone from Panorama Village may want to consider volunteering to sit on the Township's Parks and Recreation Committee, which helps oversee the Township's parks and open spaces.

Mr. Koll described the Spring Creek Estates open space, which abuts his property and was recently taken over by College Township. Mr. Koll stated that he no longer has to mow or trim trees in the open space area adjoining his property. Signs are up, trash cans are installed and emptied, and it is no longer overgrown. People can be seen using it, which is better than not being able to see who is in there. This open space is an example of a nice, passive, neighborhood park.

Mr. Baker described the difference between a pedestrian-accessed, neighborhood park, such as Panorama Village Open Space, and a regional park, such as Spring Creek Park, which intentionally attracts motoring visitors from across the Centre Region.

Ms. Sue Smith, member of the College Township Parks and Recreation Committee, suggested that this open space could be a great opportunity for community building, if property owners pitched in to contribute funds for the park's private upkeep.

Dr. Remick felt the site was currently unsightly, and it was envisioned that if the Township took over the property, staff would occasionally cut the grass. The maintenance expenses to the Township would not be great; and he would be supportive of the Township's assumption of the property, if the neighbors made that request. The neighbors voicing comments at this meeting, however, indicate that the Township's intervention is not desired.

Mr. Dan Kerstetter, 123 Villa Crest Drive, advised that he had been mowing the grass and picking up brush, but believed that the Township would do a good job with the park's maintenance. Mr. Kerstetter supported the Township's maintenance of Panorama Village Open Space.

Following this discussion, Mr. Tagala voiced his support of the Township's takeover of the open space.

Ms. Slear stated that, if the dangerous equipment could be purged from the open space, she, too, would then be in favor of the takeover.

Chair Fryer stated that College Township would want to maintain this as its current passive open space and that the Township would maintain the trees as well. Chair Fryer suggested that Solicitor Glantz generate a quit claim deed and a memorandum of understanding for consideration.

Mr. Brumbaugh suggested that staff and the Parks and Recreation Committee take a look at the park and capture some of the ideas discussed here, return to Council with ideas relative to the walking path and parking issues that could put the neighborhood at ease if the Township got involved with assuming this open space.

This matter will return to a future Council meeting following staff's review.

MANAGER'S UPDATE:

Mr. Brumbaugh, Township Manager, presented the July 19, 2012, Manager's Update reporting that 1) the six new Township signs under construction are nearing completion, with two of the six now 85% complete; 2) the work on the E. Branch Road bridge has now relocated the stream, one of the bridge abutments is installed, and the nearby historic tree trimmed; and 3) DCNR issues are complicating the Oak Hall Park water well installation that Township and regional personnel are attempting to straighten out.

CONSENT AGENDA:

- CA-1 Minutes:**
- a. June 21, 2012, Public Hearing-1, Ord. O-12-01, Residential Rental Permits.
 - b. June 21, 2012, Public Hearing-2, Ord. O-12-05, Property Maintenance and Fire Code.
 - c. June 21, 2012, Regular Council Meeting.
- CA-2 Correspondence:**
- /1: Letter from Nittany Engineering, dtd July 2, 2012, re: Centre County Recycling and Refuse Authority Transfer Station Permit Application.
 - /2: Email from J.M. Behe, dtd July 7, 2012, subj: Panorama Village Open Space.
 - /3: Email from S. DelPonte, dtd July 9, 2012, subj: Ownership of Panorama Village Open Space.
 - /4: Thank you letter from B. Kasales, dtd. July 5, 2012, regarding 4th of July emergency assistance of Water Authority crew.
 - /5: Letter from George Dickie, dtd July 16, 2012, Re: The Retreat at State College.

- /6: Letter from Mr. S. Nearhoof, dtd July 16, 2012, Re: The Retreat at State College.
- /7: Email from L. Smith, dtd July 15, 2012, subj: Keeping Chickens.
- /8: Email from J. Slear, dtd July 18, 2012, subj: Panorama Village Open Space.

- CA-3** Waiver Request: M. Maloch, Centre Furnace Mansion, Noise Ordinance Waiver Request, 9 PM to 11 PM on August 2, 2012, for Wedding.
- CA-4** Report: Finance Director's Report.
- CA-5** Bid Award: Professional Services Contract to Skelly and Loy for Oak Hall Roundabout Environmental Study in the amount of \$10,750 for Phase I Feasibility Study for Archeological/Historic Investigation and PNDI Clearance, and \$6,000 for Phase II Final Design for Wetland and Watercourse Permitting.

Mr. Koll moved to accept and approve the July 19, 2012, Consent Agenda, as presented.
Mr. Klees seconded the motion.
Motion carried unanimously.

OLD BUSINESS (Cont'd):

OB-2 Ordinance O-12-06; Billboards; Review and Comment; Re-establish Public Hearing Date

Mr. Mark Holdren, CRPA Sr. Planner, presented Ordinance O-12-06, Billboards. It is the intent of this ordinance to provide for the ability to offer off-premise advertising through the placement of billboards within College Township. The regulations contained herein are designed to permit such while also providing protection to residents and motorists viewing the billboards. This is done through limiting the size, number of and height of billboards to avoid obstructed views for both safety and aesthetic reasons. Mr. Holdren stated that the separation distance between billboards is reduced to 500 square feet and the billboard itself would be a maximum of fifty (50) square feet.

Solicitor Glantz clarified that the separation distance is 500 feet plus the separation from intersections, so that it is not overly restrictive.

Council recommended minor language modifications before taking action to re-establish a public hearing date for this ordinance.

Solicitor Glantz reported that College Township refiled with the U. S. District Court the *Motion to Quash For Improper Venue* and held a status meeting on this date with the judge, who has already written a scheduling order. The trial on this case should be held sometime in August of 2013.

Mr. Klees moved to reaffirm a public hearing date for Ordinance O-12-06, Billboards, for August 16, 2012.

Ms. Shoemaker seconded the motion.

Motion carried unanimously.

OB-3 Centre Region Council of Governments (COG) Items

a. Code Software; Discussion

Mr. Koll, College Township representative to the COG Public Safety Committee, reported that the Committee has chosen a Code program utilizing Tyler Technology software, although Mr. Koll felt that it was not Public Safety's jurisdiction to determine how best to implement either of the two Tyler Technology options being considered.

Mr. Brumbaugh, Township Manager, offered distinctions between the two options, describing one as a cloud-based software system and the other as a more traditional, hosted system that would be administered by the Borough of State College. Mr. Brumbaugh stated that the cloud-based version hosted by Tyler Technology would cost \$848,262 over seven years; and the same software hosted via State College Borough would cost \$975,660 over seven years.

Mr. Koll requested Council's feedback as the Public Safety Committee works toward its recommendation to the COG Executive Committee and/or Finance Committee.

Ms. Shoemaker stated that the logical option would be the one that could offer the best response time to College Township, and Mr. Klees voiced his preference for Tyler Technology's cloud-based system.

Council directed the Manager, Finance Director, and Zoning Officer to give these two options further study and return to Council's next meeting with a recommendation.

b. 2013 COG Program Plan; Discussion

Mr. Brumbaugh, Township Manager, presented the Centre Region COG's Executive Summary of the *2013 COG Program Plan* and stated that, due to Council members having just received this document, this matter could be tabled to the next meeting.

Council accepted Mr. Brumbaugh's recommendation, directed that this matter be added to the next Council agenda, and requested that Mr. J. Steff, COG Executive Director, be invited to attend that meeting.

NEW BUSINESS:

No New Business was forthcoming.

STAFF AND ABC INFORMATIVES:

Received without comment.

COUNCIL/STAFF OTHER MATTERS:

No significant Other Matters were reported.

COMMITTEE REPORTS:

Finance Committee, July 10, 2012: Ms. Shoemaker reported that the Finance Committee recommended that the proposed maintenance building not be included in the financing package. The Committee also looked at the proposed COG Budget and held a discussion on the benefits of paying into the CCMPO.

Finance Committee Special Meeting, July 17, 2012: Ms. Shoemaker reported that Finance Committee met in a special meeting to discuss the refinancing of the park loan.

Human Resources, July 3, 2012: Ms. Shoemaker reported that the Human Resource Committee discussed the disciplinary policy.

Centre County Metropolitan Planning Organization (CCMPO), June 26, 2012: Mr. Klees reported that the CCMPO 1) discussed the 2011 – 2014 Centre County Transportation Improvement Program (TIP) and confirmed the TIP amendment for the Atherton Street Drainage/Pavement Reconstruction Project; 2) approved the 2013 – 2016 TIP Air Quality Conformity Analysis Report and approved the procedures for TIP modifications; 3) approved a resolution on the Federal Transportation Planning Process Certification; and 4) discussed the CCMPO local funding share formula.

Transportation and Land Use (T/LU) Committee, July 9, 2012: Mr. Klees reported that the T/LU Committee 1) discussed the CRCOG Draft Housing and Sustainability Elements for the Comprehensive Plan, and 2) received a Bicycle Plan Briefing on the Region's application to the League of American Bicyclists for designation as a Bicycle Friendly Community (BFC).

Parks Capital Committee, July 12, 2012: Mr. Klees reported that the Parks Capital Committee 1) was advised that there would be no changes to the Keystone Fund levels in the upcoming funding cycle, which provides capital assistance to parks, recreation, and conservation projects in Pennsylvania; 2) received a presentation from Mr. Alan Popovich, APArchitects, on the Centralized Parks Maintenance Facility – Site Evaluations, which

reported the preferred location for the maintenance facility to be at Whitehall Park; 3) received an update on the progress of well drilling and exploration at Oak Hall Park; and 4) received an update from, and offered comments to, Mr. Jim Pashek on the Phase I Projects at the Whitehall and Oak Hall Regional Parks' Phase 1 Planning and Phase 1 Development Updates, respectively.

Public Services and Environmental (PS&E) Committee, July 11, 2012: Dr. Remick reported that the PS&E Committee reviewed the Development of Regional Impact (DRI) for the Calvary Baptist Church in Harris Township and forwarded several recommendations to the Executive Committee.

Executive Committee, July 17, 2012: Chair Fryer reported that the Executive Committee 1) discussed the General Forum agenda for the July meeting, which was subsequently cancelled; 2) determined that Trick or Treat Night would be held from 6:00 PM to 8:00 PM on Wednesday, October 31, 2012.

ADJOURNMENT:

Hearing no further matters for discussion, Chair Fryer adjourned the July 19, 2012, College Township Council Regular Meeting at 9:15 PM.

Respectfully submitted,

Adam T. Brumbaugh

Adam T. Brumbaugh
Township Manager/Secretary