

**COLLEGE TOWNSHIP COUNCIL
REGULAR MEETING MINUTES**

Thursday, July 21, 2016
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
Kent Baker, Township Engineer
Mark Gabrovsek, Zoning Officer
Mark Holdren, CRPA Sr. Planner
Mary E. Wilson, Asst. Township Secretary

CALL TO ORDER

Chair Francke called to the July 21, 2016, Regular Meeting of the College Township Council at 7:00 PM.

PUBLIC OPEN DISCUSSION:

No *Public Open Discussion* items were brought forward.

PLANS:

P-1 Stearns Crossing Single-Family Residential Subdivision, Final Subdivision Plan, Phase IX

In correspondence to Council, dated July 18, 2016, Mr. Kent Baker, Township Engineer, reported that Stearns Crossing's Phase IX is the last remaining phase of the subject subdivision plan. This phase includes 14 lots and a paved walkway access from Primrose Court to Fogleman Fields. There are several technical comments on the plan details from Mr. Don Franson's memorandum, dated July 18, 2016; and surety will need to be provided and included as a condition of approval. The developer has been requested to add a tree root guard detail for the street trees to offer protection to the adjacent sidewalk.

Mr. Chat Stafford, P.E., Penn Terra Engineering, stated that Phase IX lots will not be available for sale until more of Phase VIII lots are sold and the Phase IX plan is recorded.

In response to Council inquiry about the early establishment of the road connection as well as the timing for the sidewalk installation to Fogleman Fields, Mr. Stafford stated that it was the developer's choice to complete the road connection early and that the developer will install sidewalks in the same manner as with street tree installations.

Mr. Lyncha moved to approve the Stearns Crossing Final Subdivision Plan for Phase IX, dated April 18, 2016, last revised July 5, 2016, with the following conditions:

- 1. Obtain all required signatures on the plan;**
- 2. Pay all outstanding plan review fees;**
- 3. Address the plan detail comments in the July 18, 2016, memorandum from Mr. Don Franson, Asst. Township Engineer; and**
- 4. Post surety for the public improvements for this development based upon an estimate prepared by the development engineer and approved by the Township Engineer.**

Mr. Bernier seconded the motion.

Motion carried unanimously.

Mr. Baker clarified that Note 20 requires that when eighty percent (80%) of the lots are sold/developed, the developer must finish the sidewalks. The sidewalk between the lots going back to Fogleman Fields will go in with the construction of the street.

ABC INTERVIEW:

Chair introduced Mr. David Wasson, prior Council member and sole ABC applicant for an Alternate Director vacancy on the College Township Industrial Development Authority (CTIDA), prior to Council's brief interview with Mr. Wasson. Official appointment action on this position will be considered later in this meeting.

REPORTS:

a. Manager's Update

Mr. Adam Brumbaugh, Township Manager, presented the July 21st Manager's Update, highlighting 1) the completion of curb construction at Oak Hall Regional Park; 2) College Township's receipt of notification of Verizon's complaint against College Township, filed June 28, 2016, in the Court of Common Pleas regarding Council's recent denial of Verizon's wireless communications facility plan.

Council inquired about the University Area Joint Authority's (UAJA) odor issue at the plant; and Mr. Brumbaugh reported that a design has been discussed and details will be presented at the next meeting.

b. COG Regional, County, and Liaison Reports

Parks Capital Committee, July 14, 2016: Ms. Stilson reported that the Parks Capital Committee was advised of a racial discrimination complaint received from a guest at the Welch Pool relative to staff interactions and that an investigation by police was conducted. Mr. Steff, Centre Region Council of Governments' Executive Director, was encouraged to initiate anti-discrimination training for pool staff members.

The Committee also discussed the Whitehall Road Regional Park (WRP) feasibility and cost study completed by Stahl Sheaffer Engineering. Due to Toll Brothers' plan being in a state of limbo, and the courts having determined that the approved Toll Brothers plan was not in compliance with ordinances relative to access, the municipalities were requested to present questions on this access matter for possible General Forum discussion. Mr. Brumbaugh stated that the participating municipalities should offer their opinions on how to use the loan funds. Ms. Stilson requested a financial 'road map' on what options are preferred.

Executive Committee, July 19, 2016: Mr. Bernier reported that the Executive Committee set the agenda for the upcoming General Forum Meeting, which will include discussions on the 2017 COG Program Plan and the 2017 – 2021 Capital Improvement Plan.

Public Safety Committee, July 12, 2016: Mr. Lyncha reported that the Public Safety Committee 1) received a brief presentation concerning infectious disease prevention from Ms. Shelley Haffner from Penn State's Health Services; 2) held a discussion and offered recommendation on the mezzanine project at the Alpha Fire Company's State College Borough fire station, which could realize a \$7,000 cost savings if completed in 2016; 3) held a discussion on Centre Region Emergency Management assuming jurisdiction over Penn State properties located within Benner Township; and 4) received a brief update on code administration, fire protection, and emergency management.

Human Resources (HR) Committee, July 6, 2016: Mr. Fragola reported that the HR Committee 1) reviewed and approved revisions to the Finance Assistant job description; and 2) received a status report on the Centre Region Parks and Recreation Authority's executive director search. The candidate chosen for the position will begin work one week prior to Mr. Woodhead's retirement.

Spring Creek Watershed Commission (SCWC): Mr. Fragola reported that the SCWC will host its twentieth anniversary celebration on September 10th from 12:00 Noon to 4:00 PM at the Millbrook Marsh Nature Center.

College Township Industrial Development Authority (CTIDA), July 20, 2016: Mr. Lyncha reported that the CTIDA received a presentation on Penn State's Local Economic Development Initiatives, including *Invent Penn State* initiative's entrepreneurship-focused academic programs.

Finance Committee, July 7, 2016: Mr. Francke reported that the Finance Committee 1) received a presentation from the PA Municipal Health Insurance Co-Op (PHMIC); 2) reviewed the draft 2017 COG Program Plan; 3) reviewed the draft 2017 – 2021 COG Capital

Improvement Plan; 4) reviewed audited 2015 ending Fund Balances; 5) approved moving August Committee meeting to August 18; 6) authorized Finance Director to open a new FNB bank account to support COG's move to a self-funded Dental and Vision program; 7) reviewed Alpha Fire Company's mezzanine project; 8) approved May 2016 Voucher Report and received June 2016 voucher and financial reports; and 9) reviewed various matters of record.

c. Staff/Planning Commission/Other Committee Reports:

Planning Commission (PC), July 19, 2016: Mr. Ray Forziat, Planning Commission Chair, reported that PC 1) reviewed the proposed solar energy ordinance and offered no comments; 2) reviewed community correctional institutions/halfway houses, expressing a need for additional information in order to determine which zones would best accommodate these uses and requesting a Department of Corrections person to offer the data needed; and 3) discussed identifying a third PC member to serve as a liaison to Council.

CONSENT AGENDA:

CA-1 Minutes, Approval of

- a. June 13, 2016, Special Council Meeting (Wireless Comm. Facilities Review)
- b. June 15, 2016, Special Council Meeting (Goals and Objectives Review)
- c. June 16, 2016, Regular Council Meeting
- d. June 27, 2016, Special Council Meeting (PSU Act 537 Plan Amendment)

CA-2 Correspondence, Receipt of

- /1: Ltr from US EPA, dtd June 16, 2016, re: Centre County Kepone Superfund Site
- /2: Ltr from Mr. Michael Rybacki, dtd June 18, 2016, re: Solar Energy Systems Ordinance Work
- /3: Ltr from PA DEP, dtd July 6, 2016, re: Update to MS4 Permit Requirements

CA-3 Receipt of:

- Pension Plan Audit Report (No Action Required)

CA-4 Appointments, Approval of:

- Mr. Steven Lyncha appointed as Council Liaison to the College Township Industrial Development Authority (CTIDA), with term expiration date of Dec. 31, 2016
- Mr. David B. Wasson to fill the unexpired term as Alternate Director on the College Township Industrial Development Authority Board, vacated by Mr. Ray Forziat, with term expiration date of Dec. 31, 2016

CA-5 Resolution; Approval of

- a. R-16-16; Modification to Township Code, Chapter 190, §190-11; U-Turns Prohibited at Park Avenue and Innovation Boulevard

CA-6 Bid Awards; Approval of

- a. Traffic Signal Project to Tel Power, Inc. for the total bid amount of \$52,309.70
- b. Resurfacing Innovation Blvd. Project to HRI, Inc. for the total bid amount of \$84,985.00

Council pulled CA-1.b. and CA-2/3 for discussion.

Mr. Lynch moved to approve and receive the July 21, 2016, Consent Agenda, minutes CA-1.b. and CA-2/3.

Mr. Fragola seconded the motion.

Motion carried unanimously.

CA-1.b. – Mr. Fragola requested that an item be added on Page 2, under “Council Action Items,” reflecting the development of pedestrian and sidewalk master plans.

CA-2/3 – Mr. Lynch inquired about the amount of extra work that would be required in satisfying the new MS4 permitting requirements that begin in 2018; and Mr. Baker stated that goals would have to be developed, which alone would require either additional intern support or professional services to identify what would be needed to satisfy the new requirements.

Mr. Lynch moved to approve Consent Agenda Item CA-1.b., as amended, and receive Item CA-2/3.

Mr. Fragola seconded the motion.

Motion carried unanimously.

OLD BUSINESS:

OB-1 Ordinance O-16-05, Duplexes in the R-1 Zone

In correspondence to Council, dated July 13, 2016, Mr. Holdren presented the latest version of a proposed ordinance that would allow duplexes in the R-1 Zoning District. Prior consideration of prohibiting both sides of a duplex from being rented was deemed by the township solicitor to be impermissible. Based on that legal opinion, PC’s May 18th motion to recommend approval of the ordinance failed and no subsequent motion was made. Mr. Holdren reiterated that PC continuously recommended that the minimum lot size be no smaller than two (2) acres to eliminate the potential for duplexes being located in existing neighborhoods. Mr. Holdren recommended that, at a minimum, §200-19C(2)(b) be removed and suggested a public hearing date of September 15.

The intent of this ordinance would be to increase the variety of available dwelling unit types within the Township through the addition of duplexes as a permitted use within the Single-family Residential Zoning District (R-1). The regulations would permit such a use but at no density greater than that already permitted in the R-1 District. Furthermore, restrictions would be placed on existing structures (single-family homes) to limit their conversion to duplexes, as well as limitations on whom and how a given lot upon which multiple duplexes are proposed can be developed and maintained.

Mr. Ray Forziat, PC Chair, stated that PC had now worked through eight (8) different drafts of this ordinance, stressing that Draft 8 did not gain PC support for approval. PC members did support a recommendation to approve Draft 7, but Council amended it and returned it to PC for its eighth review. Draft 7 required a two-acre minimum lot size and allowed multiple units on one of those lots, 4.5 units per acre, and no individual business or firm could own multiple units on one lot.

Mr. Lyncha opposed Draft 8, offered support for Draft 7, and suggested instead that the amount of R-2 in College Township be increased.

Mr. Bernier could only support duplexes in the R-1 Zoning District if College Township could enforce owner-occupied criteria.

Ms. Stilson moved to set a September 15, 2016, public hearing on Proposed Ordinance O-16-05, amended to remove §200-19C(2)(b).

Mr. Fragola seconded the motion.

Motion carried 3 – 2 (Bernier and Lyncha voting nay).

OB-2 Pike Street Streetscape; Multimodal Grant Application

Mr. Brumbaugh reported that Delta Development, a firm recently engaged by Council to assist in identifying funding opportunities for the Pike Street project, is finalizing a grant application for the Commonwealth Financing Agency's (CFA) Multimodal Transportation Grant. Council was requested to approve 1) College Township's grant application letter to the Pennsylvania Department of Community and Economic Development (DCED), administrators for CFA programs, and 2) College Township's proposed Resolution R-16-14 requesting a grant in the amount of \$1,149,041 from the CFA Multimodal Transportation grant program. The Township Engineer estimated the total project costs to be \$1,641,487. College Township will commit at least \$492,446, or thirty percent (30%), towards the total project cost.

Mr. Lyncha moved to approve the grant application letter to DCED, as presented.

Ms. Stilson seconded the motion.

Motion carried unanimously.

Mr. Bernier moved to approve Resolution R-16-14, requesting a Multimodal Transportation Fund Grant from the Pennsylvania Commonwealth Financing Authority in the amount of \$1,149,041 for the Pedestrian Safety and Streetscape Improvements in the Village of Lemont.

Mr. Lyncha seconded the motion.

Motion carried unanimously.

Chair extended Council's appreciation to Senator Jake Corman, State Representative Kerry Benninghoff, U.S. Representative Glenn Thompson, the Lemont Village Association, the Chamber of Business and Industry Centre County (CBICC), the Centre County Tourist and Visitor Bureau, and others for their support of this grant application.

NEW BUSINESS:

NB-1 Economic Development Partnership; Authorization of Expenditure of Funds

In correspondence to Council, dated July 13, 2016, Mr. Brumbaugh reported that, within the last 18 months, the CBICC launched an initiative known as the Economic Development Partnership, comprised of Centre County government, Penn State University, and Centre County municipalities. College Township participates financially in support of Partnership activities, the Partnership having worked with a number of prospective companies seeking to locate facilities within Centre County. As a result of Partnership efforts and with an outsized assist from Penn State, Morgan Advanced Materials, a UK-based global leader in engineered carbon and ceramic materials, will establish a "Carbon Science Center of Excellence" in a new building to be constructed at PSU's Innovation Park in College Township. The Partnership will provide Morgan with access to \$40,000 in funds, subject to the terms and conditions of a performance agreement. College Township's share of these funds is \$4,000. Mr. Brumbaugh requested Council's authorization for the expenditure of these funds from the \$30,000 reserve amount for economic development projects in the 2016 Budget.

Mr. Lyncha moved to authorize the expenditure of \$4,000 from 2016 Reserves for Economic Development, payable to the Economic Development Partnership, for release to Morgan Advanced Materials upon Morgan's satisfaction of the terms and conditions of a performance agreement, said agreement to be administered and monitored by the Economic Development Partnership.

Ms. Stilson seconded the motion.

Motion carried unanimously.

NB-2 Tree Roots; Discussion

In correspondence to Council, dated July 18, 2016, Mr. Baker stated that Council was recently alerted to several complaints from property owners along October Drive regarding the roots of street trees damaging their driveways and yards. College Township's street tree program and regulations began during the mid-1980s, making some trees nearly 30 years old. In the past five (5) years, College Township has received root damage complaints from several areas, such as October Drive and Spring Creek Estates. Some trees are planted too close to driveways or have roots spreading along the surface due to hard ground.

To date, College Township has provided some assistance with tree root damage by cutting problem roots where feasible. However, because the use of root pruners is now considered unsafe, College Township has not been able to rent or purchase one. The only recourse is to use hand saws or chain saws, if the root can be dug out. No financial assistance is offered to property owners to repair sidewalks, driveways, or yards damaged by the Township's street trees. Property owners are responsible for repairs to sidewalks when a horizontal or vertical separation of one inch causes a tripping hazard. Mr. Baker noted that College Township will spend approximately \$50,000 in 2016, and spent \$75,000 in 2015 in the maintenance of street trees.

Mr. Baker requested that Council discuss whether or not they are willing to remove some street trees and/or provide assistance with repairs and suggested that College Township consider addressing other related issues, such as underground utilities, in a revision to its right of way ordinance.

Council inquired about the cost to remove a tree; offered support for the enforcement of a tree program; directed that the enforcement be announced with an effective/start date; suggested that the matter of sidewalk and tree maintenance be separated from the specific root problems being reported; suggested requiring developers to insert tree root guards; and, asked about the possibility of inspecting developers' planting of street trees to insure they are planted deep enough in the ground.

Mr. Baker advised that conducting tree-planting inspections would be problematic and requested help with determining a policy for the 2,500 street trees current in the ground in College Township.

Council's general consensus was to fix the legitimate problems that were the result of poor choices to start with, but to otherwise enforce the trees and sidewalks regulations that reflect the responsibility being that of the property owners.

Ms. Mary Ann Christman, October Drive, requested the removal of the Township's street tree in front of her house due to the damage it is causing and the inability to get a paving company to repair her driveway until the tree is gone.

Mr. Nick Lingenfelter, October Drive, asked for a resolution to their similar tree problem and stated that he felt insulted to be charged \$400 by the Township to cut down the Township's tree that is causing the problems on their property.

Ms. Elizabeth Lingenfelter, October Drive, reported that their driveway now has a hole in it as a result of the street tree roots cracking open the asphalt and added that she believed the street tree was the wrong type of tree and likely planted incorrectly.

Ms. Denise McDonald, October Drive, reported that the street tree at her property is heading towards her house instead of the driveway.

Mr. Brumbaugh asked that Council formalize some of the actions that staff members are currently doing but added that, in going forward, the residents must be informed about their responsibilities relative to the care of street trees, etc. Staff will work on identifying some

situations and some type of triage process first and should issue a clear statement on when it will or will not be permissible for a property owner to cut down a street tree. This matter will return to Council at a future meeting.

COUNCIL/STAFF OTHER MATTERS:

1. Mr. Brumbaugh reported that College Township was selected as one of the top ten places to live in the United States and the number one place to live in Pennsylvania.
2. Action to Receive ABC Resignation:
Mr. Lyncha moved to accept Mr. David Wasson's resignation from the Zoning Hearing Board, effective this date.
Ms. Stilson seconded the motion.
Motion carried unanimously.
3. Mr. Bernier requested that the COG CIP and the program plan be placed on the Aug. 4th agenda.
4. Ms. Stilson reported that the State College Area School District received grant funding for building the new elementary schools to LEED Gold certification standards and asked if College Township could find out if the Township could be given credit for any of the new pollution control practices being incorporated.

ADJOURNMENT:

Hearing of no other business, Chair Francke called for a motion to adjourn. Ms. Stilson offered a motion to adjourn; and, the Chair adjourned the July 21, 2016, Regular Council Meeting at 10:15 PM.

Respectfully submitted,

Adam T. Brumbaugh

Adam T. Brumbaugh
Township Manager/Secretary