

**COLLEGE TOWNSHIP REGULAR
COUNCIL MEETING MINUTES
Thursday, August 2, 2012**

ATTENDED BY:

COUNCIL:

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

STAFF:

Adam T. Brumbaugh, Township Manager/Secretary
Kent N. Baker, Township Engineer, delayed arrival
John J. Franek, Jr., Zoning Officer
Mark Holdren, CRPA Sr. Planner
Mary E. Wilson, Asst. Township Secretary

ABSENT:

Robert T. Long, Jr., Finance Director

CALL TO ORDER

Chair David Fryer called to order the August 2, 2012, College Township Council Regular Meeting at 7:00 PM, followed by the Pledge of Allegiance.

OPEN DISCUSSION:

None.

MANAGER'S UPDATE:

Mr. Brumbaugh, Township Manager, presented the August 2, 2012, Manager's Update reporting that College Township was advised of several positive test results on mosquitoes with West Nile Virus (WNV) in College Township. The Centre County West Nile Virus Coordinator, Mr. A. Lavin reported the locations of the positive results to have been captured in the vicinity of Trout and Rock Roads and at the Millbrook Marsh. Due to the proximity to bodies of running water, spraying in these areas is not permitted. Residents were advised to follow the precautions posted on the website to avoid coming into contact with infected mosquitoes.

CONSENT AGENDA:

- CA-1** Minutes: July 19, 2012, Regular Council Meeting.
- CA-2** Correspondence:
- /1: Email from Mr. J. Smith, dtd July 23, 2012, subj: Agricultural Uses in Forest District.
 - /2: Letter from PADEP, dtd. July 23, 2012, re: CCRRA Dale Summit Transfer Station Permit.
 - /3: Letter from Mr. J. Smith, dtd July 31, 2012, Subj: AG Uses in Forest District.
 - /4: Email from S. Smith, dtd Aug. 1, 2012, Re: Oak Hall Regional Park.
 - /5: Email from J. Jacobson, dtd Aug. 2, 2012, Subj: Smell from the UAJA.
- CA-3** Report: Finance Director's.
- CA-4** ABC Resignation: Acceptance of Resignation of Ms. M. Miller from Schlow Centre Region Library, effective Aug. 1, 2012.
- CA-5** Noise Waiver Request: K. Surgeon, Centre Furnace Mansion, Noise Ordinance Waiver Request, 5 PM to 11 PM, Sep. 8, 2012, for wedding.

Council pulled Item CA-2/5 for discussion.

Ms. Shoemaker moved to accept and approve the August 2, 2012, Consent Agenda, minus item CA-2/5.
Mr. Koll seconded the motion.
Motion carried unanimously.

CA-2/5: Mr. Klees inquired about any contact staff may have had following the previous odor complaint received by the Township; and Mr. Brumbaugh advised that no response was received following staff's letter to the Township's UAJA Board representatives, copied to UAJA executive director. The first complainant advised Mr. Brumbaugh that he had not been contacted following his letter to them, either. Council members reported they personally had experienced the much-more-offensive-than-usual odor in the vicinity of the UAJA plant and directed staff to seek a quick response from UAJA and invite them to the next Council meeting for a discussion on this matter.

Mr. Klees moved to receive Consent Agenda Item CA-2/5.
Ms. Shoemaker seconded the motion.
Motion carried unanimously.

OLD BUSINESS:

OB-1 Ordinance O-12-09, Medical Campus Signage – Review, Comment, Set Public Hearing

In written communication to Council dated July 26, 2012, Mr. Mark Holdren, CRPA Sr. Planner, introduced proposed Ordinance O-12-09, Medical Campus Signage, which amends the regulations for signs as it relates to a request made by the Mount Nittany Medical Center. The intent of this ordinance is to permit certain types of developments to provide better direction and identification of their buildings and services within their development. This ordinance impacts large developments classified as campuses in which additional signage will be permitted to allow greater flexibility in placement of directional signage, as well as increase the number of signs identifying buildings and/or entrances to such. Furthermore, this ordinance aims to enhance the visibility of buildings by allowing the placement of wall signs at higher heights so that buildings whose purpose is related to public safety will be readily identifiable from greater distances. Mr. Holdren's memorandum recommended a public hearing date of September 20, 2012, for Ordinance O-12-09.

Following a brief discussion, Council took action to set a public hearing on Ordinance O-12-09.

**Mr. Klees moved to set a public hearing on Ordinance O-12-09, Medical Campus Signage, for September 20, 2012.
Mr. Koll seconded the motion.
Motion carried unanimously.**

OB-2 Ordinance O-12-08, Agricultural Uses – Review, Comment, Set Public Hearing

In written communication to Council dated July 27, 2012, Mr. Mark Holdren, CRPA Sr. Planner, introduced proposed Ordinance O-12-08, Agricultural Uses in the Forest District. The intent of this ordinance is to permit certain agricultural uses in the Forest Zoning District on appropriately suited areas of the District. The restrictions contained within the ordinance, as it relates to agricultural uses, are intended to limit impacts of agricultural uses on adjoining properties as well as promote compatibility between agricultural uses and other uses of the Forest district. Furthermore, limits on the areas within the Forest District in which agriculture is permitted are designated in a manner that limits the impacts to Mount Nittany both in terms of negative impacts to the environment, loss of forest habitat, and retaining of the view of Mount Nittany.

Council comments included the following.

- Concern about the integrity of the private wells being jeopardized by animal waste.
- Fencing delineating the 1,300-foot elevation and property boundaries would restrict movement of wild animals.
- Concern about overly tight restrictions on uses in the Forest District.

- Might prefer handling these requests individually rather than changing uses.
- Consider allowing animal grazing by a property owner's application for conditional use.
- Questions about why chickens and other farm animals would be restricted.

Chair Fryer asked for public comment.

Mr. Jim Smith, 461 Brush Valley Road, spoke against this ordinance on behalf of numerous area property owners and recommended that a temporary use permit be allowed for the one property owner who is asking for permission to graze cattle.

Mr. John Franek, Zoning Officer, replied that the temporary use section of the Township Ordinance does not give sufficient guidance to staff in granting such requests; and staff, therefore, supported the conditional use process as the only sustainable solution for reviewing requests for grazing of livestock.

Mr. David Burrows, 411 Brush Valley Road, expressed concern about unintended consequences should this change in use be approved, such as environmental impacts to adjacent properties; the definition of 'agricultural uses' would prohibit someone from having a garden or fruit trees unless on ten acres or greater; and the density of animals.

Mr. Wayne Pauley, 361 Mt. Nittany Road, gave a brief historic overview of the Forest District, stressing that, prior to 1992, this zoning district was the least restrictive and had properties that used to be farms. Mr. Pauley 1) urged Council and staff to fully investigate the restrictions placed upon municipalities as a result of the passing of Act 38 of 2005, which prohibits ordinances from limiting agriculture in historic areas; 2) expressed support for the ordinance as it allows some productive use of the land in the Forest District; 3) opposed large-scale animal operations; and 4) supported taking out the restrictions on poultry and swine.

Mr. Tom Mincemoyer, 181 Lenape Lane, original requestor for this change of use in the Forest District, asked Council to keep in mind that his parcel extends halfway up Mount Nittany and, as the ordinance currently exists, he would be permitted to build a sizeable horse operation. This proposed change of use would restrict such operations while subsequently allowing a limited amount of large-animal grazing.

Council concluded its discussion without reaching consensus on moving this proposed ordinance forward.

Mr. Klees moved to table Ordinance O-12-08, Agricultural Uses.

Chair Fryer seconded the motion.

Motion carried unanimously.

OB-3 Centre Region COG Matters:

a. Code Software; Staff Recommendation

Mr. Adam Brumbaugh, Township Manager, reported that at their July 19, 2012, Regular Meeting, Council directed staff to develop a recommendation relative to the selection of code and zoning software and subsequently to recommend whether to utilize the “Software as a Service” (SaaS) method of access or the traditional servers hosted by the Borough of State College. Following its review, Mr. Brumbaugh stated that staff supported without reservation the acquisition of the Tyler Technologies software program utilized in conjunction with the “Software as a Service” (SaaS).

Council briefly discussed this issue and received staff’s recommendation.

Dr. Remick moved to accept staff’s recommendation for the acquisition of the Tyler Technologies software program utilized via the SaaS.

Chair Fryer seconded the motion.

Ms. Shoemaker stated a preference for going through the State College Borough, as they would be closer at hand when problems arose. Mr. Brumbaugh, Township Manager, replied that a quicker response to any difficulties would be available through the dedicated, Tyler SaaS, as opposed to relying on the limited Borough RTC personnel.

Chair Fryer called the question.

Motion carried unanimously.

b. COG 2013 Program Plan; Comments

Mr. Brumbaugh reported that Centre Region COG members were previously provided with copies of the proposed COG 2013 Program Plan for review and comment. This document is intended to provide the COG General Forum with an explanation of each COG Agency’s or program’s history, services, and issues; a mid-year update of the COG’s financial status; and a description of proposed programmatic and financial changes for the 2013 budget year. Council’s review comments are due to the COG Executive Director before August 13, 2012.

Council comments included the following.

- Need to begin to set aside funds for Phase II of Regional Parks. Need to start, even if it means contribution of small amounts from participating municipalities.
- Question related to use of Insurance Reserve Fund monies for family flu shots. Not an issue, just a question.
- Request to review proposed increased Rental Permit Fee to ensure it is sufficient to cover cost of additional inspector. Also, verify that Code inspection costs are accurate, as they seem low.
- Question – Can we sustain the Code Program going forward?

- Support for a new COG Parks Maintenance Building.
- Concern regarding future years' Library funding.
- Be sure to justify staff addition recommendations.

NEW BUSINESS:

NB-1 Windstream Cable Franchise Agreement; Set Public Hearing

Mr. Adam Brumbaugh, Township Manager, described Council's previous action in 2011 to authorize funds for legal costs related to securing a cable franchise agreement with Windstream, in conjunction with Ferguson Township, through the legal services of the Cohen Law Group of Pittsburgh, Pennsylvania. Windstream serves the cable television needs of the Hilton Garden Inn in College Township and is offering a \$26,000 franchise grant for C-NET broadcasts and a \$7,200 courtesy service grant.. Mr. Brumbaugh reported that Daniel Cohen, Esq., has successfully concluded negotiations with Windstream, and a draft agreement was presented to Council for their review and for the setting of a required public hearing on this agreement. Mr. Brumbaugh recommended that Council move to set a public hearing.

Dr. Remick moved to set a public hearing on the Windstream Cable Franchise Agreement within thirty (30) days.

Mr. Koll seconded the motion.

Motion carried unanimously.

NB-2 Resolution R-12-15; Verizon Right of Way – Aerial Grant at Kissinger Open Space

Mr. Kent Baker, Township Engineer, advised that Verizon recently installed an additional guy anchor on an existing utility pole located near slab Cabin Run on the Kissinger Open Space property. The Public Utilities Commission (PUC) requires that Verizon receive an easement for any new anchors. Resolution R-12-15 grants Verizon Pennsylvania, Inc., for the sum of One Dollar (\$1.00), the needed aerial grant at the Kissinger Open Space. Mr. Baker recommended that Council approve Resolution R-12-15 granting Verizon this easement.

Ms. Shoemaker moved to approve Resolution R-12-15, Aerial Grant at Kissinger Open Space for Verizon Pennsylvania, Inc.

Dr. Remick seconded the motion.

Mr. Koll inquired into who would be responsible for the costs of moving poles, and Mr. Baker advised that the standard practice is that, if a utility pole existed prior to PennDOT obtaining the right-of-way , or if a new right-of-way expands into a utility easement, PennDOT pays to move them.

Motion carried unanimously.

NB-3 Centre County Metropolitan Planning Organization (CCMPO) Funding Formula; Discussion

Mr. Daniel Klees, Council member, spoke on a CCMPO matter relative to Ferguson Township's request to alter the previously in force funding of local share costs. Ferguson Township Supervisors advised the Centre Region Council of Governments (CRCOG), in correspondence dated May 31, 2012, that Ferguson Township would base its 2013 contribution to the CCMPO utilizing a formula that consists of 50% population and 50% road miles (state and local federal air road mileage) of the eight contributing municipal members of the CCMPO. The CCMPO-revised formula re-distributes across the participating CCMPO members the \$30,000 increase in the County's share for non-participating municipalities, which Centre County Commissioners advised they could not commit to for 2013. Ferguson Township objected to paying a share of the County's costs.

Council received Mr. Klees's comments and held a brief discussion in preparation for the topic being reviewed at a future Centre Region COG General Forum meeting.

STAFF AND ABC INFORMATIVES:

Received without comment.

COUNCIL/STAFF OTHER MATTERS:

1. Dr. Remick inquired about the Township building's new HVAC system, and Mr. Brumbaugh recognized that there were periods when the building was more humid than others, such as at this Council meeting.
2. Ms. Shoemaker asked about the level of response from the new tax collection agency, and Mr. Brumbaugh reported that the Township's finance director has been pleased with the receipts coming from the Centre Tax Agency.
3. Mr. Klees inquired about Council's interest in possibly changing an upcoming meeting date due to an event in town that might cause quorum not to be met. No meeting date change was forthcoming.
4. Chair Fryer asked for and received an update on the reservoir work beginning to get underway. Ms. Shoemaker recommended that all area residents be informed of this construction activity.
5. Chair Fryer reported that he and Township Manager Adam Brumbaugh met with Ms. Mary Ann Miller, former Schlow Centre Region Library representative for College Township, and wished to thank Ms. Miller for her service to the Library. She remains on their Strategic Sub-Committee.

COMMITTEE REPORTS:

No Committee Reports were presented.

ADJOURNMENT:

Hearing no further matters for discussion, Chair Fryer adjourned the August 2, 2012, College Township Council Regular Meeting at 9:23 PM.

Respectfully submitted,

Adam T. Brumbaugh

Adam T. Brumbaugh
Township Manager/Secretary