

**COLLEGE TOWNSHIP COUNCIL**  
**REGULAR MEETING MINUTES**  
**Thursday, August 20, 2015**

**ATTENDED BY:**

**COUNCIL:**

L. Eric Bernier, Chair  
Carla Stilson  
D. Richard Francke, Council Member  
William H. Sharp

**STAFF:**

Adam T. Brumbaugh, Township Manager/Secretary  
Kent N. Baker, Township Engineer  
Mark J. Gabrovsek, Zoning Officer  
Mark Holdren, CRPA Sr. Planner

**ABSENT:**

Lynn Herman, Vice-Chair  
Mary E. Wilson, Asst. Township Secretary

**CALL TO ORDER:**

Chair Bernier called to order the August 20, 2015, Regular College Township Council Meeting at 7:04 PM, following a public hearing on proposed Ordinance O-15-08, Commercial and Fleet Vehicle Wash Facility.

**ANNOUNCEMENT:**

Chair Bernier announced that Council met in executive session prior to this meeting for the purpose of discussing a legal matter.

**OPEN DISCUSSION:**

1. Ms. Sue Smith, Dale Street, Lemont, 1) stated that the Lemont Village Association (LVA) Board met on August 19 and wished to extend their appreciation to College Township for its support of the LVA's first Lemont Fest event held July 10 through 12 of this year; 2) encouraged Council to direct more than one traffic count be conducted on Pike Street, asking for an update; and 3) advised that, due to having to depart this meeting early, she supported Council's review of regulations for historic trees in College Township.

2. Mr. Wayne Pauley, Mt. Nittany Road, complained of loud vehicular noise being generated from intentionally loud cars driving up Mt. Nittany Road over the past several months, adding that the State College Police Department advised that the police were unable to respond to these complaints due to manpower and measuring equipment shortages. Mr. Pauley requested Council's action to enable the State College Borough Police Department to enforce the Township's noise ordinance.

Mr. Gabrovsek, Zoning Officer, also a retired State College Borough police officer, advised that the courts struck down the use of noise meters due to the possibility of ambient sounds, such as airplanes overhead, skewing the readings. Council was advised that vehicles can be made to be intentionally loud by utilizing specific driving techniques yet, under normal driving conditions, would meet the Pennsylvania Vehicle Code inspection standards.

Mr. Brumbaugh, Township Manager, stated that staff would contact the State College Police Department to determine what the current, state-of-the-art protocols are being utilized for excessive vehicle noise.

## **PLANS:**

### **P-1 Canterbury Crossing Phase IV and V, Lot 33, Phase 1B, Final Land Development Plan (Revised)**

In correspondence to Council, dated August 17, 2015, Mr. Kent Baker, Township Engineer, described three staff comments that remain to be resolved regarding street addressing; timing and placement of street trees and sidewalks along Brandywine Drive for the townhome units in Phase 1C and 3; and the gates constructed at each end of the uncompleted portion of Brandywine Drive.

Mr. John Sepp, P.E., President, Penn Terra Engineering, advised that the developer's revised final land development plan reflects the elimination of 78 of the townhouse dwelling units that were shown in the previously approved plan, replacing them with 42 lots on a private street. In response to College Township's condition that bicycle and pedestrian access be made available at the closed Brandywine Drive gates, Mr. Sepp accepted staff's recommended condition #6 on behalf of the developer.

Council and staff inquired into and received acceptable clarification on, 1) the phase lines; and, 2) the developer's willingness to retain at least a portion of the temporary buffer trees at the completion of construction.

**Ms. Stilson moved to approve the Canterbury Crossing Phase IV and V, Lot 33, Phase 1B Final Land Development Plan, dated July 27, 2015, last revised August 17, 2015, with the following conditions:**

1. Obtain all required signatures on the approved plan for Canterbury Crossing Phase IV and V, Lots 32 and 33;
2. Obtain all required signatures on this final plan for Phase 1B;
3. Pay all outstanding plan review fees;
4. Place the street addresses of the proposed buildings on the plan after obtaining them from the Zoning Officer.
5. Shift the phasing lines for Phases 1C and 3 to be flush with the existing constructed curb of Brandywine Drive in order to place the future sidewalks and street trees in those respective phases, by revising both this plan and the approved preliminary plan; and
6. Label the Brandywine gates on the plan and provide a detailed drawing of these gates, allowing for pedestrian and bicycle access.

**Mr. Francke seconded the motion.**

**Motion carried unanimously.**

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

Mr. Adam Brumbaugh, Township Manager, presented the August 20, 2015, Manager's Update, highlighting the two open houses held in College and Harris Townships on PennDOT's Oak Hall Improvement Project.

#### **COMMITTEE REPORTS:**

**Public Safety Committee, August 17, 2015:** Mr. Sharp reported that the Public Safety Committee discussed, supported, and referred to Finance and Executive Committees the proposed lease of a storage facility for two fire safety trailers and a towing vehicle, which would cost \$9,780 per year for ten plus years. Mr. Sharp voted against moving this forward at this time based on cost-effectiveness questions that remained unanswered.

In discussing the 2016 Code Permit Fee Schedule, the Committee voted to keep permit fees level for all occupancies, except on individual rooms.

In response to a request from state officials on issues affecting the volunteer fire service, Fire Director Steve Bair presented to the Committee his documented views on the matter of declining volunteer fire service.

The Committee was offered a brief tour of the Code Administration renovation project.

**Finance Committee, August 20, 2015:** Mr. Francke reported that he and Finance Director Robert T. Long, Jr. attended the COG Finance Committee meeting, and that the Committee 1) reviewed the municipal comments provided on the 2016 COG Program Plan; 2) reviewed the proposed COG/Ferguson Township lease agreement for a General Forum vote; 3) received a presentation of mid-year financial status; 4) approved May and June 2015 voucher report; 5) received information on COG's 2016 pension employer contribution, anticipated to be 13.5% of COG payroll expenditures for COG employees covered under the COG defined benefit plan; COLA of 0.75%, and Code's recommendation of building permit fee multiplier reduction from 0.007 to 0.0065; and 6) reported that the proposed fund balance policy was dismissed by the Committee chair and will now require General Forum or Executive Committee action.

**Executive Committee, August 18, 2015:** Chair Bernier reported that the Executive Committee prepared agenda items for the August General Forum meeting, which will include a review of community responses to an organic recycling program; an update on how to manage COG planning staff's tasks that they receive directly from committees; and a discussion of the municipal comments on the COG Program Plan. The Committee voted unanimously to forward the COG/Ferguson Township lease agreement to the General Forum for possible action.

**College Twp. Industrial Development Authority (CTIDA), August 19, 2015:** Mr. Sharp submitted a written report on the CTIDA Board meeting, stating that CTIDA's total assets year to date amounted to \$2,723,117.21; and, net income year to date was \$17,982.74.

The CTIDA Loan Committee offered updates on the current CTIDA clients; and the CTIDA Marketing Committee reported on its recent meeting with New Leaf Initiative. Mr. Sharp stated that the Board hopes to work on ways to retain Penn State graduates as local entrepreneurs.

**College Township Planning Commission (PC), August 18, 2015:** Mr. Steve Lyncha, Planning Commission's Council Liaison, reported that PC made recommendations to the proposed wellhead protection overlay zone ordinance for forwarding to Council for consideration.

#### **CONSENT AGENDA:**

- |                             |  |
|-----------------------------|--|
| <b>CA-1</b> Minutes:        | August 6, 2015, Regular Council Meeting; Approval of   |
| <b>CA-2</b> Correspondence: | - None to Accept. -  |
| <b>CA-3</b> Bid Results:    | Dreibelbis Street Sidewalk Project to John Spearly Construction, Inc., for the total bid amount of \$17,392.00; Award of |
| <b>CA-4</b> Resolutions:    | a. R-15-10, PSU Water Treatment Plant Sewage Facilities Planning Module; Approval of                                     |
|                             | b. R-15-13, PennDOT Municipal Winter Traffic Services Agreement; Approval of   |

Council pulled Consent Agenda item CA-4.b. for discussion.

**Mr. Francke moved to approve the August 20, 2015, Consent Agenda, minus CA-4.b.  
Mr. Sharp seconded the motion.  
Motion carried unanimously.**

CA-4.b. – Ms. Stilson questioned staff about the potential need for any modifications to the winter traffic services agreement as a result of the Township’s planned taking back of Puddintown and Houserville Roads.

Mr. Brumbaugh advised that College Township would need to amend this agreement removing them from the winter services agreement listing once the two roads were officially transferred to College Township.

**Ms. Stilson moved to approve Consent Agenda item CA-4.b., Resolution R-15-13, PennDOT Municipal Winter Traffic Services Agreement, as presented.  
Mr. Francke seconded the motion.  
Motion carried unanimously.**

#### **OLD BUSINESS:**

##### **OB-1 Ordinance O-15-08, Commercial and Fleet Vehicle Wash Facility**

Ordinance O-15-08, Commercial and Fleet Vehicle Wash Facility, would amend the Zoning regulations to permit a wash facility for commercial and fleet vehicles, including a definition for such. The intent of this ordinance is to allow for the cleaning and washing of motor vehicles that are typically found within the General industrial District, including trucks, construction equipment, vans, buses, etc. This ordinance is not intended to permit car washes that are used by the general public that are typically found in commercial areas.

Having been duly advertised for public hearing and that public hearing conducted this date, Council took action to adopt Ordinance O-15-08.

**Ms. Stilson moved to adopt Ordinance O-15-08, Commercial and Fleet Vehicle Wash Facility, as presented.  
Mr. Sharp seconded the motion.  
Motion carried unanimously.**

##### **OB-2 Historic Trees; Discussion**

In correspondence to Council, dated August 5, 2015, Mr. Mark Holdren, CRPA Sr. Planner, responded to Council’s prior direction to research how other municipalities regulate historic trees. This was in response to the massive historic tree recently taken down on a private property on Shady Drive. Staff offered no recommendation on this matter, noting that College

Township's Historic District has regulations governing how historic buildings/properties are maintained and taken down, and that this could be extended to include regulating historic or heritage trees on private properties. It was recognized that enforcement would offer challenges.

Council initiated a preliminary dialogue on Mr. Holdren's material and considered possible options.

Mr. Brumbaugh, Township Manager, reported that the Township already plants, maintains, and removes, as needed, the street trees in College Township, and felt there was little or no value in organizing a shade tree commission to perform in that capacity. However, Mr. Brumbaugh added that a citizen's group may or may not be of some value in the completion of work required to regulate heritage trees on private property, depending on the scope of the regulations.

Mr. Baker, Township Engineer, strongly urged that properties of Mt. Nittany Conservancy, Rockview State Corrections Facility, as well as any farm, be exempt from any tree regulations, as the volume of trees would prove problematic to monitor and regulate. Mr. Baker suggested that Council determine what areas they would want trees on private properties to be regulated.

Mr. Wayne Pauley, Mt. Nittany Road, stated that area residents were sorry that the old tree on Shady Drive was removed; however, he, as a property owner, would be opposed to being required to fill out forms and win approvals from the Township in order to take down trees on his properties. He reminded Council that timbering one's land in Pennsylvania is a use by right. Mr. Pauley noted that residents could be advised that they have a heritage tree on their property but did not see the need for a law to regulate those trees on their private property. Mr. Pauley supported recognizing, by some sort of registry and/or plaque, those property owners who have and maintain their historic trees.

Following discussion, Council 1) withheld any support for the formation of a shade tree commission; 2) did not support including a tree's age as a parameter for determining a tree's heritage status; and 3) eliminated the possibility of regulating any trees on public lands, such as Mt. Nittany Conservancy, Rockview State Correctional Facility. Council commented that 1) the diameter measurement of four (4) feet be used in qualifying as a heritage/historic tree; 2) only the trees in the Village and in the R-1 Zoning Districts be subject to this regulation; 3) decisions on historic trees be formulated by the Parks and Recreation Committee; 4) Council be given the opportunity to review the tree replacement criteria; 5) penalties be added to the fee structure under the Historic District; 6) College Township encourage property owners to maintain/retain their old trees, rather than reprimanding the removal of their trees; and 7) directed that staff return with additional research on voluntary historic tree registries and to contact the arborist for feedback.

#### **NEW BUSINESS:**

*No New Business* was introduced.

**OTHER MATTERS:**

No *Other Matters* were brought forward.

**STAFF INFORMATIVES:**

Ms. Stilson inquired into Staff Informative SI-2, Ordinance Enforcement Officer Report for July 2015, reflecting five (5) complaints about blasting at the quarry in Oak Hall.

Staff advised that complaints are redirected to the PA Department of Environmental Protection (PA DEP), who has jurisdiction over quarry blasting activities and enforcement of the same. Mr. Brumbaugh advised that residents are able to be placed on the quarry's call list for prior notification of an impending blast. College Township receives such a notification and makes every attempt to place the notice on the home page of the Township website prior to the blast, as well as sending out a notice to those registered through the Township's "Notify Me" alert system.

**ADJOURNMENT:**

Hearing of no additional business, Chair Bernier called for a motion to adjourn. Mr. Sharp so moved; and Chair Bernier adjourned the August 20, 2015, Regular Council Meeting at 8:50 PM.

Respectfully submitted,

*Adam T. Brumbaugh*

Adam T. Brumbaugh  
Township Manager/Secretary