

COLLEGE TOWNSHIP COUNCIL
REGULAR MEETING MINUTES
Thursday, September 15, 2016
7:00 PM, Following Public Hearing-2
1481 E. College Avenue, State College, Pennsylvania

ATTENDED BY:

COUNCIL: D. Richard Francke, Chair
Carla Stilson, Vice Chair
Steven Lyncha
Anthony Fragola

STAFF: Adam T. Brumbaugh, Township Manager/Secretary
Kent N. Baker, Township Engineer
Mark Gabrovsek, Zoning Officer
Mark Holdren, CRPA Sr. Planner
Mary E. Wilson, Asst. Township Secretary

ABSENT: L. Eric Bernier

CALL TO ORDER:

Chair Francke called to order the September 15, 2016, Regular College Township Council Meeting at 7:05 PM, following the Pledge of Allegiance and the holding of public hearings on proposed Ordinance O-16-09, Wireless Communications Facilities, and Ordinance O-16-05, Duplexes as a Permitted Use in the Single-Family Residential Zoning District.

PUBLIC OPEN DISCUSSION:

No Public Open Discussion matters were presented.

PLANS:

P-1 Fieldstone Phase IV Final Subdivision; 180-Day Time Extension Request

In correspondence to Council from Penn Terra Engineering, dated August 26, 2016, Council was requested to grant a 180-day time extension for the Fieldstone Phase IV Final Subdivision Plan. Construction work is planned to begin next spring under the preliminary plan approval; and the developer anticipated posting of surety after construction has begun.

Mr. Tom Jacobs, S&A Homes, was present to address any Council questions or comments.

Mr. Baker, Township Engineer, advised Council that this was the second time extension request for this subdivision, which currently has a September 13, 2016, expiration.

Mr. Brumbaugh, Township Manager, described the manner in which developers were using time extensions to avoid the posting of sureties that would otherwise be required on land development or subdivision plans. As long as a plan has a time extension, and until it is recorded, any changes to land development or subdivision ordinances would not pertain to that plan. Time extensions become problematic for staff to keep track of, although, Council recognized that the onus falls to the developer, not staff, to track when their plans are set to expire. Mr. Brumbaugh further clarified that some developers receive time extensions, which do not allow for the selling of lots until the plan is recorded. However, they are taking refundable deposits for lots, which is a disservice to the Township.

Council directed staff to study the time extension dilemma and report back to Council.

Mr. Lyncha moved to grant a 180-day time extension, to March 12, 2017, for the recording of the Fieldstone Phase IV Final Subdivision Plan.

Ms. Stilson seconded the motion.

Motion carried unanimously.

P-2 Pleasant Pointe Subdivision; Tax Parcel 19-002-058-0000

Mr. Baker introduced the Pleasant Pointe Development Final Subdivision Plan, a 61.981-acre tract known as Lot 2 of the Plan Book, Vol. 87, Page 74, which will be divided into three land tracts. Lot 2 will become a 49.414-acre tract retained by Gerald and Loretta Rogers; and Lots 3 and 4 will become 6.375-acre and 6.192-acre tracts, respectively, to be developed by equitable owner PDG IV, L.P., as a housing project similar to Limerock Terrace. The property owner is requesting a waiver from sidewalks, as they will be installed as part of the future land development.

Mr. Fragola inquired into Planning Commission's discussion on the sidewalk waiver request and requested that the draft PC Minutes provided to Council be modified to reflect PC's discussion on the sidewalk waiver.

Mr. Lyncha moved to approve the Pleasant Point Preliminary/Final Subdivision Plan, Tax Parcel 19-002-058, dated July 18, 2016, last revised August 5, 2016, with the following conditions:

- 1. Obtain all required signatures on the plan;**
- 2. Pay all outstanding plan review fees;**
- 3. Provide a legal description of the right of way for the future street; and**

- 4. Council agrees to the sidewalk waiver, as described by Note 11 on Sheet 3.**
Ms. Stilson seconded the motion.
Motion carried unanimously.

REPORTS:

a. Manager's Update

Mr. Adam Brumbaugh, Township Manager, presented the September 15, 2016, Manager's Update, and 1) offered an update on the current paving work on Houserville Road and Puddintown Road; 2) reported that staff would be meeting with DCED in the following week to discuss the readiness of the Pike Street Streetscape Project; and 3) advised that the PennDOT work on Warner Blvd. and Oak Hall road is nearing completion.

b. COG Regional, County, and Liaison Reports

Human Relations (HR) Committee, Sept. 7, 2016: Mr. Fragola reported that the HR Committee 1) received and accepted the draft 2017 Employee Relations Committee 2017 Budget of \$5,120, which reflects a \$670 increase in the amount budgeted for 2016; 2) received and accepted the 2017 budget for the Employee Wellness Program in the amount of \$7,175, reflecting a \$700 decrease over 2016; 3) authorized the CRPA Director to reclassify the half-time Senior Planner position to a part-time Planner position; and 4) were briefed on the new exempt vs. non-exempt minimum wage and overtime pay protections of the Fair Labor Standards Act and the impacts to COG.

Parks Capital Committee Sept. 8, 2016: Ms. Stilson reported that the Parks Capital Committee discussed the actions taken at a recent joint meeting with the Centre Region Parks and Recreation Authority relative to Whitehall Road Regional Park access road funding.

Chair Francke reiterated that College Township continues to stress that Ferguson Township should take the lead on the construction of this access road.

Finance Committee Meetings, August 18 and September 8, 2016: Chair Francke reported that he and Mr. Robert Long, Finance Director, attended the subject Finance Committee meetings, which 1) saw the initial discussion of municipal comments for the COG Program Plan and the CIP; 2) set the schedule for the 2017 COG budget review; 3) approved a one-year trial for cablecasting of budget review sessions; 4) received and reviewed the audits for the COG, Schlow Library, and Parks Authority; 5) reviewed municipal comments on COG Program Plan and CIP; 6) reviewed and authorized sale of two (2) 2012 Honda CNG Civics to CATA and the purchase of two (2) Ford Focuses to replace for Code; 7) reviewed and recommended to General Forum a budget amendment of \$15,000 to repair and renovate the rental home at Oak Hall Regional Park; and, 8) reviewed request for \$2,000 local match of SEDA-COG grant proposal for education program on LED streetlight retrofit options.

c. Staff/Planning Commission/Other Committee Reports

College Township Staff Update: Mr. Brumbaugh reported that College Township recognized the recent retirements of Chief Tom King, State College Police Department, and Mr. Ronald Woodhead, Director of Centre Region Parks and Recreation Office. College Township made donations in their names; i.e., it will be placing a bench at the Oak Hall Regional Park, making a contribution to Camp Cadet, and a memory tree planted in a Township park of Chief King's choosing. A small recognition ceremony will be held at the next Council meeting.

CONSENT AGENDA:

CA-1 Minutes; Approval of

- a. August 18, 2016, Public Hearing-1 on Ord. O-16-07, UPD Definitions Revisions
- b. August 18, 2016, Public Hearing-2 on Ord. O-16-08, UPD Map Revisions
- c. August 18, 2016, Public Hearing-3 on Ord. O-16-04, Solar Energy Systems
- d. August 18, 2016, Public Hearing-4 on Ord. O-16-10, Vacate a Portion of Pennsylvania Ave. and Mobile Avenue
- e. August 18, 2016, Regular Council Meeting

CA-2 Correspondence, Receipt/Acceptance of

- /1: Ltr from AECOM, dtd Aug. 24, 2016, re: ARRIS International Place
- /2: Resignation email from Mr. Ed McFadden, from unexpired position on CTIDA, effective September 11, 2016

CA-3 - WITHDRAWN -

CA-4 Bid Award; Award of

- a. Anti-Skid Type AS2 Bid to Glenn O. Hawbaker at \$11.94 per ton for a total contract amount of \$5,970.00.

CA-5 2017 Minimum Municipal Obligation (MMO) for Township Retirement Plan; Certification of

Ms. Stilson moved to approve the Sept. 15, 2016, Consent Agenda, as presented.

Mr. Lyncha seconded the motion.

Motion carried unanimously.

OLD BUSINESS:

OB-1 Ordinance O-16-09, Wireless Communications Facilities

A duly advertised public hearing on Ordinance O-16-09, Wireless Communications Facilities, was held earlier this date, and no public comments were presented. This proposed ordinance would amend the College Township Code, Chapter 200, Zoning, to modify regulations for wireless communications facilities.

**Mr. Lyncha moved to adopt Ordinance O-16-09, Wireless Communications Facilities, as presented.
Ms. Stilson seconded the motion.
Motion carried unanimously.**

OB-2 Ordinance O-16-05, Duplexes as a Permitted Use in the R-1 Zoning District

A duly advertised public hearing on Ordinance O-16-05, Duplexes as a Permitted Use in the R-1 Zoning District, was held earlier this date. This proposed ordinance would amend the Single-Family Residential District (R-1) to add duplexes as a permitted use. Duplexes were a permitted use in the R-1 Zoning District prior to 2001.

Council offered minor grammatical corrections; queried what about the proposed ordinance did not win Planning Commission's support;

**Ms. Stilson moved to adopt Ordinance O-16-05, Duplexes as a Permitted Use in the R-1 Zoning District, as amended.
Mr. Fragola seconded the motion.
Motion carried 3 – 1. (Lyncha voting nay)**

OB-3 New Property Maintenance Code; Staff Review

In correspondence to Council, dated Sept. 9, 2016, Mr. Gabrovsek, Zoning Officer, delineated upcoming changes to the Centre Region Building Safety and Property Maintenance Code, especially as it relates to Section 807, Student Homes, currently not in College Township's Codes; Section 802.8.3, "E-Mail address" requirements for contacting property owners in an emergency; and Section 708.3.3, "Open burning," requests for open burn waivers to no longer require Council approval before seeking a burn permit from Code.

Council 1) supported the exclusion of Section 807; 2) expressed concern for the need for student housing causing creep outside State College Borough; 3) recommended that in Section 708.3.3 contain the wording "phone or email," with the consent of other municipalities; 4) supported the elimination of Council approvals of open burn requests prior to requesters seeking permits from Code; and 5) suggested that the matter of student homes in the R-1 and R-2 Zoning Districts be remanded to Planning Commission for review and comment.

In response to Council comments on PC's "Other Matters," Mr. Brumbaugh agreed to provide Council with PC's list of "Other Matters" so that Council better understands PC comments/feedback.

**Ms. Stilson moved to remand to Planning Commission the research of student home definition in the R-1 and R-2 Zoning Districts.
Mr. Fragola seconded the motion.**

Ms. Sue Smith, Dale Street, asked about the current number of Penn State students and whether or not the permitted number of unrelated individuals in one dwelling unit was being enforced, referencing a perceived problem with rental properties on First Avenue.

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

NEW BUSINESS:

NB-1 Right-of-Way Ordinance Proposal

Mr. Brumbaugh presented a proposal from the Cohen Law Group to spearhead the creation of a Telecommunications Right-of-Way (ROW) Management Ordinance. The intent of this ordinance would be to establish a more thorough permitting process; place restrictions on street cuts; coordinate construction activities; require applicants to generate as-built utility mapping; create operational safety standards; create fair and reasonable compensation for use of our ROWs; provide legal protections for the Township; establish reporting requirements; and establish enforcement mechanisms for the Township.

In response to Council inquiry, Mr. Brumbaugh agreed to ask the Cohen Law Group to provide a second review of the draft ordinance, if Council made any revisions to their proposed document.

**Ms. Stilson moved College Township enter into an agreement with Cohen Law Group for the creation of a Telecommunications Right-of-Way (ROW) Management Ordinance in an amount not to exceed \$4,500.
Mr. Lynch seconded the motion.
Motion carried unanimously.**

NB-2 Spring Creek Park Footbridge Access Ramps Price Quotes

In correspondence to Council, dated September 8, 2016, Mr. Baker stated that College Township had planned to complete the two ramps for the Spring Creek Park Pedestrian Bridge this year. Due to the inability of this project to be completed as a service project or by the Township's road crew, staff obtained price quotes for the completion of the ramps. Mr. Baker reported that the only bid the Township can accept without formal, advertised bids and prevailing wages is from John Claar Excavating for the north ramp only (nearside) at a price of \$18,900.00.

**Mr. Lynch moved to accept the price quote for the Spring Creek Park Pedestrian Bridge Northern Access Ramp from John Claar Excavating in the amount of \$18,900.00.
Ms. Stilson seconded the motion.
Motion carried unanimously.**

NB-3 Hubler Road (Harris Acres)/S. Atherton Street Traffic Study Proposal

Mr. Baker reported that staff has been in receipt of complaints from residents in the Harris Acres subdivision regarding the difficulties in getting out of Hubler Drive onto S. Atherton Street for motorists, bicyclists, and pedestrians. One complainant stressed that children cannot cross anywhere from Harris Acres to get to either the elementary or middle school. Mr. Baker offered a proposal from Trans Associates for a traffic study to evaluate whether or not this intersection would meet PennDOT warrants for a traffic signal.

Ms. Stilson moved to engage Trans Associates for the purpose of conducting Traffic Engineering Services at S. Atherton Street and Hubler Road at a cost not to exceed \$5,400.

Mr. Fragola seconded the motion.

Motion carried unanimously.

NB-4 Liquor License No. R-20680 Transfer to Weis Markets; 100 Rolling Ridge Drive

In correspondence to Council, dated September 7, 2016, Mr. Holdren provided an application for Liquor License No. R-20680 transfer coming from the Borough of State College to the Weis Store on Rolling Ridge Drive in College Township. When an inter-municipal liquor license transfer request is to a municipality whose quota is already exceeded, the governing body is required to hold a public hearing and adopt a resolution allowing the transfer application to proceed to the Pennsylvania Liquor Control Board (PLCB).

Chair Francke advised that, due to his partnership in a Borough liquor license, he had previously advised his fellow Council members and staff that he would be abstaining from voting on this item due to a conflict of interest. This matter was turned over to the Vice Chair Carla Stilson for discussion and action.

Mr. Lynch announced that Weis Markets is a client of his engineering firm and also questioned his ability to vote. The Township Manager clarified that the motion would only be to set a public hearing to receive public comment and suggested that no conflict would exist in participating in this vote.

Following a brief review and discussion of the liquor license transfer application, Vice-Chair requested a motion on the matter.

Mr. Fragola moved to set an Oct. 20th public hearing for the transfer of Restaurant Liquor License #R-20680 into College Township to Weis Markets, Inc., 100 Rolling Ridge Drive.

Mr. Lymcha seconded the motion.

Motion carried 3 – 0 – 1 (Francke abstaining).

Council requested that staff seek comments from the State College Police Department as first responders and noted that the Pennsylvania State Police serve as enforcers of the Liquor Code.

STAFF AND ABC INFORMATIVES:

No *Staff Informatives* were pulled for discussion.

OTHER MATTERS:

1. Council was reminded of a Special Council Meeting scheduled for Sept. 19th for the purpose of continuing the review of the 2017 – 2021 Capital Improvement Program.

ADJOURNMENT:

Hearing of no additional business, Chair Francke called for a motion to adjourn. Mr. Lyncha offered a motion to adjourn, and Ms. Stilson seconded the motion. Chair adjourned the September 15, 2016, Council Regular Meeting at 9:01 PM.

Respectfully submitted,

Adam T. Brumbaugh

Adam T. Brumbaugh
Township Manager/Secretary