COLLEGE TOWNSHIP REGULAR COUNCIL MEETING MINUTES

Thursday, October 18, 2012

ATTENDED BY:

COUNCIL:

David P. Fryer, Chair
Daniel D. Klees, Vice-Chair
Forrest J. Remick, Ph.D.
David W. Koll (delayed arrival)
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

CALL TO ORDER

Chair David Fryer called to order the October 18, 2012, College Township Council Regular Meeting at 7:00 PM, followed by the Pledge of Allegiance.

OPEN DISCUSSION:

Mr. Harry Hamilton, 262 First Avenue, Lemont, provided a handout to Council (Appendix A), voiced opposition to a rental permit enforcement citation he was issued by the Centre Region Code Administration (CRCA), and requested Council's consideration of a revision to Chapter 136, Ordinance Enforcement, to prevent a reoccurrence. Mr. Hamilton stated that he believed he was not properly notified, as per Chapter 136-7, Additional Penalties, of a need to remediate a permitting situation prior to being cited by the CRCA. He felt that being charged with criminal conduct pertaining to an alleged violation of Chapter 152, Property Maintenance and Fire Code, would have negative implications to any future national security clearances Mr. Hamilton may require and reiterated that this should have been a civil matter, not criminal.

Mr. Hamilton requested that Council direct staff to dismiss the criminal matter, as well as expunge it altogether, as he did not believe he was required to have a rental permit for his

property on First Avenue. Further, Mr. Hamilton requested that Council amend Chapter A203, Fees, as amended on June 21, 2012, by adding text indicating that A203-24 does not alter the notice requirements under Chapter 136.

Mr. Brumbaugh, Township Manager, agreed to verify the Township's process and procedure to ensure all ordinances were followed and to report back to Council.

SPECIAL PRESENTATIONS:

SP-1 State College Borough Police Services – Chief T. King

a. 2012 Police Services Update

Chief of Police Thomas R. King, State College Borough Police Department, reported that police services have been provided to College Township for the past 36 years. Chief King gave an overview of police services provided in College Township from September 2011 through August 2012, highlighting:

- Calls for Service – 3,630 (3,722 in 2011),
- A decrease in Traffic Citations – 1,119 (1,442 in 2011),
- A decrease in DUI Arrests – 64 (80 in 2011),
- A decrease in Adult Arrests – 232 (337 in 2011),
- A decrease in Disorderly Conduct – 139 (159 in 2011),
- A decrease in Part 1 Crime – 167 (198 in 2011),
- A decrease in Part 2 Crime – 387 (433 in 2011),
- A decrease in Total Crashes – 337 (403 in 2011),
- An increase in Reportable Crashes – 118 with 3 fatalities (112 in 2011 with no fatalities),
- A decrease in Assaults – 13 (14 in 2011), and
- A decrease in Burglaries – 13 (16 in 2011).

Chief King provided College Township with a chart reflecting the roads experiencing the highest number of crashes. The top seven are as follow:

-	East College Avenue:	97 crashes	24 injuries/1 fatality,
-	Benner Pike:	59 crashes	14 injuries/2 fatalities,
-	Park Avenue:	49 crashes	19 injuries,
-	South Atherton Street:	17 crashes	1 injuries,
-	Mt. Nittany Expressway:	17 crashes	6 injuries,
-	Rolling Ridge Drive	16 crashes	1 injury, and
-	Branch Road	14 crashes	1 injury.

Council requested that Chief King 1) provide impacts of the traffic signal projects on E. College Avenue and S. Atherton Street; 2) provide cost of Lemont murder investigation thus far; and 3) advise how many State College Borough police officers live in College Township.

Council added that the ramp from University Drive onto E. College Avenue toward College Township seems be a problematic merge point; and Chief King confirmed that there are consistent complaints about that ramp's merge difficulties.

b. 2013 Recommended Service Hours Budget

Chief King presented the Proposed 2013 Police Services Budget for College Township reflecting a total of 260 police service hours per week for 2013. This level of police services represents no change over the levels provided in 2012.

Scheduled Patrol – 156 hours
Special Traffic Enforcement – 15 hours
Complaint Response and Specific Assignments – 54 hours
Det. & Community Relations/Crime Prevention (CR/CP) services – 35 hours.

The hourly cost to College Township for police services in 2013 will be $97.38 per hour for regular contracted hours of service and $110.47 for all hours in excess of the regularly contracted hours. This latter rate reflects all departmental overhead and indirect costs of providing police services.

Mr. Klees moved to approve the 2013 Police Services Budget for College Township, as presented.
Mr. Koll seconded the motion.
Motion carried unanimously.

SP-2 Penn State University's Chapter of the Design-Build Institute of America (DBIA): Spring Creek Park Foot Bridge Project

Mr. Craig Dubler, PSU Faculty Advisor to DBIA, offered a PowerPoint presentation on the *2013 Volunteer Project – Spring Creek Park Pedestrian Bridge*. DBIA offered volunteer services for the planning, design, and construction of a new pedestrian bridge located in the Spring Creek Regional Park. This bridge would provide an additional means of reaching the south side of the Park; attract new visitors to the park; provide handicap accessibility; and revive the eastern portion of the park around Spring Creek. The anticipated cost of this project is in the neighborhood of $25,000 and could begin in the late Spring of 2013 with student volunteers doing the majority of the work.

Council supported this project, offered some Township recourses, and suggested that the team should check with ClearWater Conservancy to ensure they are not scheduling work at a time of year when there can be no disturbance to the stream.

MINOR PLAN:

MP-1 Home Delivery Pizza Pub Expansion; S. Atherton Street; Tax Parcel 19-605-108-0000

In correspondence to Council from the Township Zoning Officer, Mr. Franek reported that a land development plan for renovations an expansion of the existing Home Delivery site was approved in late 2011. A subsequent minor plan was proposed in the summer of 2012, but was withdrawn and never recorded. This second minor plan modifies the originally approved impervious and building coverages; proposes parking revisions; proposes an outdoor patio and covered bar; and reflects the addition of a concrete pad at the rear of the building. Staff requested Council input on this minor plan.

Mr. Mark Torretti, Penn Terra Engineering, addressed Council and reported that this minor plan proposes a minor revision on the 1.388-acre parcel at 1820 S. Atherton Street, which involves the expansion of the existing Home Delivery Pizza restaurant into the existing space vacated by the previous tenant, Reliance Bank. The expansion also includes the addition of 305 square feet of additional building on the site, as well as outdoor seating areas. The additional area will be used for patron seating, expanded food preparation area, administrative offices, and storage.

On Council's consensus, staff will proceed with the review of the Home Delivery Pizza Minor Plan under the Township's minor plan review criteria.

MANAGER'S UPDATE:

Mr. Brumbaugh, Township Manager, presented the October 18, 2012, Manager's Update, highlighting 1) the forthcoming Pike Street Traffic Calming Cherry Alley survey work; 2) DCNR's recent determination that the Oak Hall Regional Park well work may proceed as it does not constitute a conversion; 3) the Villas at Happy Valley hearing remains unscheduled but will go before Judge Grine; and 4) that the Township continues to await the judge's ruling on the Nittany Outdoor Advertising legal case relative to the Township's submission of a Motion to Quash.

Council received the Manager's Update without significant comment.

CONSENT AGENDA:

CA-1	Minutes:	October 4, 2012, Regular Council Meeting.	
CA-2	Correspondence:	/1:	Letter from Penn State University, dtd Sep. 28, 2012, regarding the *Final Report for the Master Plan Update for the University Park Airport*.
		/2:	Email from D. Kolasa, dtd Oct. 7, 2012,

regarding unsolicited newspaper distributions from the *Centre Daily Times*.

/3: Letter from Rev. L. Steffensen, dtd Oct. 10, 2012, opposing the rezoning of Hilltop Mobile Home Park.

/4: Centre County Commissioners, dtd Oct. 2, 2012, Regarding 2013 CDBG Program funding.

/5: Letter from H. Hamilton, dtd Oct. 16, 2012, Regarding enforcement of Chapter 136.

CA-3 Resolution: R-12-19, Disposal of Municipal Personal Property by Internet Auction.

Council pulled Item CA-2/1 and CA-3 for discussion prior to taking action on the remainder of the Consent Agenda.

Mr. Koll moved to accept and approve the October 18, 2012, Consent Agenda, minus items CA-2/1 and CA-3.
Mr. Klees seconded the motion.
Motion carried unanimously.

CA-2/1: Dr. Remick asked if the Township Manager would be participating in the University Park Airport master plan study and received an affirmative reply.

CA-3: Ms. Shoemaker asked if the Township had considered utilizing the online bidding services of Municibid, which PSATS supports. Staff advised that it had not investigated Municibid but would evaluate those services against the results of the scheduled online auction for the next such event the Township endeavors.

Dr. Remick moved to accept Consent Agenda Item CA-2/1 and CA-3.
Ms. Shoemaker seconded the motion.
Motion carried unanimously.

OLD BUSINESS:

OB-1 Ordinance O-12-07, Wellhead Protection; Set Public Hearing

Mr. Mark Holdren, CRPA Sr. Planner, presented proposed Ordinance O-12-07, Wellhead Protection. This proposed ordinance is intended to protect the source of public drinking water through the establishment of protection zones around public wells, as required by the Federal Safe Drinking Water Act Amendments of 1986 requiring states to establish such protection programs. College Township, in conjunction with the College Township and State College Borough water authorities, proposes to establish zones around each public drinking well to restrict certain land uses and activities that have the potential to contaminate groundwater supplies. Concentrated Animal Feeding Operations and Concentrated Animal Operations, as

defined by DEP, are added as prohibited uses in these restricted areas. Mr. Holdren recommended that the soonest date available for the setting of a public hearing on this ordinance would be December 20, 2012.

Council made minor comments prior to offering support and taking action to set a public hearing on this ordinance.

Mr. Klees moved to set a public hearing on Ordinance O-12-07, Wellhead Protection, for December 20, 2012.
Ms. Shoemaker seconded the motion.
Motion carried unanimously.

OB-2 Ordinance O-12-12, Residential Rental Modification; Set Public Hearing

Mr. Mark Holdren, CRPA Sr. Planner, presented proposed Ordinance O-12-12, Residential Rentals Permits Modification. This proposed ordinance is intended to modify the Residential Rental Permits Ordinance (O-12-01) in an effort to simplify the requirements for obtaining a residential rental permit and to bring consistency between the previously adopted Residential Rental Permits Ordinance and non-conformity requirements in Chapter 200, Zoning. This is accomplished by eliminating the need to bring off-street parking in compliance with current standards at the time of rental application. Furthermore, the ordinance eliminates the need to renew the rental permit annually with College Township and reduces some of the rental application requirements.

Ms. Shoemaker stated a preference for requiring parking where space is available for such, although Mr. Brumbaugh, Township Manager, advised that the Township has no legal standing to require additional parking at existing rentals.

Mr. Koll moved to set a public hearing on Ordinance O-12-12, Residential Rental Modification, for December 20, 2012.
Mr. Klees seconded the motion.
Motion carried unanimously.

OB-3 Ordinance O-12-13, Off-Street Parking and Vehicle Access Requirements; Set Public Hearing

Mr. Mark Holdren, CRPA Sr. Planner, presented proposed Ordinance O-12-13, Off-Street Parking and Vehicle Access. This proposed ordinance amends the College Township Code by amending the off-street parking and vehicle access requirements to provide greater flexibility in permitting off-street parking at certain types of residential uses by redefining the dimensions and permitted locations of individual parking spaces at single-family homes and individual duplex or townhome units. Furthermore, the ordinance intends to limit the width of access points along roads for residential uses, as well as provides the ability for driveways

accessing non-residential uses to be designed and built in accordance with the amount and type of traffic that will be accessing the development.
Council made minor comments prior to offering support and taking action to set a public hearing on this ordinance.

Mr. Klees moved to set a public hearing on Ordinance O-12-13, Off-Street Parking and Vehicle Access Requirements, for December 20, 2012.
Mr. Koll seconded the motion.
Motion carried unanimously.

NEW BUSINESS:

As may come before Council at the table.

STAFF AND ABC INFORMATIVES:

Council offered no comments on Staff and ABC Informatives.

COUNCIL/STAFF OTHER MATTERS:

1. Dr. Remick highly recommended that Council and others take the time to visit the cleared construction site of the next phase of Canterbury Crossing down Brandywine Drive for a spectacular view of Mount Nittany. Staff was advised that the developer has been moving dirt from that site for the past two days, and staff made note to check into this activity.
2. In response to inquiry into the completion date for the E. Branch Road bridge replacement project, Mr. Baker, Township Engineer, reported that no change from the original mid-November 2012 date has been received from PennDOT.
3. Mr. Klees suggested that those interested should search on the web's Google Earth site to see a current view of College Township taken August 31, 2012, which includes the e. Branch Road bridge construction area.
4. Replying to the Chair's inquiry about the status of repair work at the Dale Street reservoir, staff advised that the reservoir was being drained to investigate and repair several discovered leaks.
5. Chair Fryer noted that the Dale Street railroad track crossing was recently fixed, but the incline is now quite severe. Mr. Baker stated that staff is checking for evidence of vehicle scrape marks from navigating that crossing and will further investigate. No complaints about this increased slope have been received.

COMMITTEE REPORTS:

Finance Committee, October 9, 2012: Ms. Shoemaker and Mr. Long, Finance Director, reported that the Finance Committee held its final wrap-up session on the 2013 COG Budget and unanimously agreed to request that the Executive Committee forward this on to the General Forum.

Parks Capital Committee, October 11, 2012: Mr. Klees reported the following.

- Mr. Jim Pashek, park development consultant, discussed the refined scope of work, which would allow the Phase 1 project to continue within the approved budget of $3,654,000. The four components of the base bid will be rebid in January 2013. It is anticipated that construction will begin in 2013.
- Jointly with the Centre Region Parks and Recreation, the Parks Capital Committee endorsed the Conservation Easement Agreement for the Oak Hall Regional Park. The agreement will now be forwarded to the General Forum for approval.
- A discussion was held on the status of the proposed maintenance facility, which Mr. Klees supported to be built at the Whitehall Road Regional Park.

Public Safety Committee, October 8, 2012: Mr. Koll reported that the Public Safety Committee 1) engaged the services of a solicitor to negotiate with the Tyler software provider; and 2) reached a temporary resolution relative to the fueling of Code's new CNG vehicle via the use of the CATA fueling station, which they hope becomes a permanent solution to their fueling problem.

Ad Hoc Development of Regional Impact (DRI) Meeting, October 16, 2012: Mr. Brumbaugh reported that Mr. Jim May, Centre Regional Planning Agency, is continuing to work to help capture and facilitate the various issues that exist regarding the DRI review. Weekly meetings will be held to work out the issues. This is anticipated to go to the General Forum in the next few months.

Executive Committee, October 16, 2012: Chair Fryer reported that the Executive Committee met to set the next General Forum agenda.

ADJOURNMENT:

Hearing no further matters for discussion, Chair Fryer adjourned the October 18, 2012, College Township Council Regular Meeting at 8:49 PM.

Respectfully submitted,

Adam T. Brumbaugh

Adam T. Brumbaugh
Township Manager/Secretary

Comments at Public Meeting October 18, 2012, Part I – page 1 of 3

I am Harry Hamilton and I live in Lemont. I think this is only my second or third appearance. The other appearance or appearances was in relation to speed bumps following the tragedy of someone being hit and killed by a motorist. This appearance is more personal but in my mind has greater implications. I have been charged with violating an ordinance. Not only should you be directing your staff to dismiss the matter to certainly assist with dismissing the matter, but also you should be joining in writing a request to expunge it altogether.

Let me put my military background to use and start with the problem and a solution. The problem is you permitted, directed, or are otherwise acquiescing in circumventing our ordinances to accomplish in a criminal arena something that should be handled in a civil arena. I propose a Resolution calling for the enforcement of Chapter 136 Ordinance Enforcement.

The complaint or summons originates with this body who directs this staff. Even though the complaint is signed by someone outside of this staff, the complaint originates here.

In 22 years being in an about my house in Lemont, Pa., there is one township employee who only recently (last 8 to 10 years) started nodding in my direction and I don't recall his wife ever even acknowledging my existence. My next-door neighbor testified against me in court in or around 2005 in my child custody case. Other than that, I don't know any neighbor to have any problems with me. By the way, ownership of all my neighbors has changed at least once since I first purchased the home 22 years ago. But this is just background.

I come in here to make public comments at this meeting because you are the governing body with a staff that includes an enforcement officer. I received a criminal summons that will affect every further attempt at a security clearance with my work for the federal government as I report being charged with criminal conduct. I have been charged with criminal conduct for something that should have its resolution in a civil setting. In fact, my question to you is why I am not afforded that which I have spent the last 22 years paying for, notice and an opportunity to be heard in a civil setting. I repeat, this township decided to by-pass any civil resolution and go directly to fostering the issuance of a criminal summons for some alleged violation of Chapter 152.

I have had a home in this community for the last 22 years. Forget for a second any desire to know the wording of the summons and who is right or wrong. It was supposed to have been based on the nebulous "complaints" that have been received with one state college investigator saying that neighbors have complained. It turns out that according to the township there have been two complaints one in 2006 and one in 2011. I have spoken with the complainer from 2011 and he is someone I met in or around 1980.

I believe that I have paid for and earned the right in my home community to be heard in a civil setting and I come before you to make that happen and direct that it happen.

Nonetheless, why was I not afforded the notice on a form in accordance with Chapter 136. I have a copy of what I should have received rather than the appearance of this public criminal summons.

Then following the issuing of the supposed written violation notice and before any additional penalties, I am to be given an opportunity to correct a violation or institute remedial action. Then I go before the District Justice, in a civil proceeding. I again attach separately that section, specifically, section 136-7. I could not have taken corrective action more swiftly than I did. I had and have repeatedly asked to address my concerns and my disagreements in a civil arena.

The ordinance that I pay my tax dollars (and have for 22 years) to have enforced actually indicates that when I refuse to pay the violation, the action that is brought is a civil action before the District Justice, not a criminal one. While you or your staff may have the option of proceeding criminally, written notice is required by the mandates of two chapters, Chapter 136 and Chapter 152 incorporating Section 107 of the Centre Region Building Safety and Property Maintenance Code, 2010 edition (or "code"). So, even if this body does not want to hear what I have to say about my disagreements, the very same District Justice who is set to hear the criminal complaint should instead be hearing the matter from a civil standpoint. I have attached with bolded and underlined portions of the Chapter 136 that I want explained why your staff is permitted to act in this fashion, dispense with written notice by way of a violation, circumvent the civil process, and proceed directly to the criminal one bypassing the mandates of Chapter 136 and Chapter 152. And most importantly, if the staff has not acted as it should, you should immediately seek to take all necessary and appropriate steps to ensure this disagreement is handled in the civil manner permitted under Chapters 136 and 152.

Now, I have probably utilized my 5 minutes because I read slowly and would welcome the opportunity to get more into my disagreements with Chapter 152 incorporating Centre Region Building Safety and Property Maintenance Code, 2010 edition and more specifically, recently adopted Chapter 160 upon which this entire issue is based because the applicability section, 160-3 effective June 21, 2012, is the wording on the summons for an alleged offense on July 27, 2012. Because I may have spoken too swiftly, I have provided these pages for ease of minute taking and ask that these words, read aloud, be part of the minutes. I do have more written pages, if this body wants to permit more than five minutes and actually engage in precisely what is at issue in what should be a civil proceeding before a District Justice rather than a criminal proceeding. It is unfortunate that the prosecutors seem to have immunity for bypassing civil remedies, dispensing with required written notice, and labeling me a criminal defendant. But you have the authority to act and correct this.

Please know that because your staff and the staff that believed would not make me out to be something other than I am, I have to be careful what I actually say in this public gathering because, I am a defendant in an alleged criminal matter. Your staff encouraged or otherwise reported to the Code Official Dr. Schneider and back in or around 2006, it was Mr. Mussi. I had assumed the matter was resolved under Mr. Mussi and I don't want to belabor that because it is apparent no one wants to provide the notice and handle the matter in a civil arena choosing instead to take the matter criminal. Dr. Schneider in conjunction with your staff failed to provide written notice under any of the material I could find. Section 107 of the Code also requires written notice and even an opportunity to appeal in a civil setting. I have highlighted with underlining the most salient points that form the essence of my entire address to you.

Not only should you be directing your staff to dismiss the criminal matter, but also you should be joining in writing a request to expunge it altogether. I will be asking Dr. Schneider in an effort to dismiss the summons, the same question I ask you.

Why do I need a rental permit to move my son from Florida and charge him the services of taking out the trash weekly, turning off the lights to conserve electricity, and donating some of his allowance to household expenses?

That leads to the next question, why would I need a rental permit to allow my significant other to live with me, if we split the utilities and expenses of the home?

The applicability section 160-3 with wording essentially identical to the wording of the code section I am alleged to have violated says that I do have to have a permit even in that instance where my son is providing the service of taking out the trash. But I don't find the answers anywhere in the ordinances or in the code. I do not find anywhere in the code that my son moving in with me and taking out the trash every Tuesday, and soon to be cutting the grass, does not subject me to section 160-3 requiring a rental permit.

I do find in Chapter 136 that I am to have notice and this should be handled through civil proceedings. Thank you for this opportunity. If there are any comments, like an answer to the above questions, I hope I am afforded time to respond. One way to handle this is through Resolution following my comments about providing or enforcing a civil remedy in these matters The resolution should further amend Ordinance 100 Chapter A203 that was amended on June 21, 2012 with paragraph D in A203-24 indicating that this new section added on June 21, 2012 supplements but does not alter the notice requirements under Chapter 136.

Thank you for listening/reading.