

**COLLEGE TOWNSHIP COUNCIL
REGULAR MEETING MINUTES**

**Thursday, November 3, 2016
7:00 PM**

1481 E. College Avenue, State College, Pennsylvania

ATTENDED BY:

COUNCIL:

D. Richard Francke, Chair
Carla Stilson, Vice Chair
L. Eric Bernier
Steven Lyncha
Anthony Fragola

STAFF:

Adam T. Brumbaugh, Township Manager/Secretary
Kent N. Baker, Township Engineer
Robert T. Long, Jr., Finance Director
Mark Gabrovsek, Zoning Officer
Mark Holdren, CRPA Sr. Planner
Mary E. Wilson, Asst. Township Secretary

CALL TO ORDER:

Chair Francke called to order the November 3, 2016, Regular College Township Council Meeting at 7:12 PM, followed by the Pledge of Allegiance and a public hearing on Resolution R-16-25, Liquor License #R-20680 Transfer into College Township.

ANNOUNCEMENT:

Chair Francke announced that Council met in executive session immediately prior to this evening's public hearing for the purpose of discussing a matter of litigation.

PUBLIC OPEN DISCUSSION:

Ms. Sue Smith, Dale Street, Lemont, invited all to share in the seasonal festivities being organized at this year's Lemont German Christmas Market on Friday, December 2, from 5 PM to 8 PM, and on Saturday, December 3, from 10 AM to 4 PM.

SPECIAL PRESENTATION:

SP-1 State of College Township MS4 Permit

Mr. Kent Baker, Township Engineer, presented a PowerPoint presentation, entitled "MS4 Partner Common Areas for 2018 Permit Cycle," dated 23 February 2015, which described the

Urbanized Areas; included both Benner Township and Spring Township; and described the new requirements stemming from President Obama's recent Executive Order. Effective beginning in 2018, the Chesapeake Bay Pollution Reduction Plan would affect Slab Cabin Run, Spring Creek, and Logan Branch, relative to sediment reduction. It has been determined that undertaking these newly established limits collectively with other area municipalities is most effective. This plan must be done by December 2, 2017.

Council requested feedback on residents not being able to wash their vehicles in their driveways. Mr. Baker advised that any water being discharged into the storm drains would now be illegal. Vehicles washed on the grass of private properties, where the soapy water infiltrates the lawn, would not be illegal.

PLANS:

No *Plans* were presented.

REPORTS:

a. Manager's Update

Mr. Adam Brumbaugh, Township Manager, presented the November 3, 2016, Manager's Update, reporting that PennDOT recently requested College Township's waiver from the Township noise ordinance in order to undertake a nighttime paving project in 2017. The paving is planned for S. Atherton Street from Scenery Drive to Rte. 45 and on E. College Avenue from Elmwood Street to the Benner Pike. This nighttime paving is being sought for traffic safety reasons. Following brief discussion, this waiver from the noise ordinance for this purpose was granted by Council consensus.

b. COG Regional, County, and Liaison Reports

Joint Public Safety and Public Services and Environmental Committees, October 10, 2016:

Mr. Lynch reported that the two titled COG committees met to review changes in emergency preparedness planning; exchange useful information of shared interest; and identify opportunities for local government and/or COG to support the response efforts of PennDOT, utility, and EMS providers. Brief updates were offered by 1) Centre Region Emergency Management on recent flooding and disaster declaration; 2) First Energy on first responders' resources; 3) PennDOT on winter season preparations, including a dedicated plow truck for Rte. 322 through Seven Mountains; 4) Columbia Gas on damages resulting from lack of PA-One Call, and an introduction to the new "No One Calls" program; and 5) SCBWA on changing to text messages for emergencies.

Parks Capital Committee, October 13, 2016: Ms. Stilson reported that Parks Capital reviewed its meeting procedures and received an update on Whitehall Road Regional Park Phase I.

c. Staff/Planning Commission/Other Committee Reports

No *Staff/Planning Commission/Other Committee Reports* were presented.

CONSENT AGENDA:

CA-1 Meeting Minutes

- None Offered

CA-2 Correspondence, Receipt/Approval of

- /1 Letter from Benner Township Supervisors, dtd. Oct. 11, 2016, re: Bernner's decision to seek an agreement with UAJA to provide sewer service along Shiloh Rd. in Benner Township
- /2: Letter from Rep. Kerry Benninghoff, dtd. Oct. 17, 2016, re: "Sportman's Update" event at CPI
- /3: Letter from Centre Region Code, dtd. Oc. 13, 2016, re: Abatement Order for 1255 Benner Pike, College Township
- /4 Letter from C-NET, dtd. Oct. 17, 2016, re: 2017 budget obligations
- /5 Letter from Water Resources Monitoring Project, dtd. Oct. 19, 2016, re: thank you for 2016 funds contributed by College Township
- /6 Letter from PA DEP, dtd. Oct. 24, 2016, re: Hanson Aggregates PA, LLC, application to increase permitted mining depth at Oak Hall Quarry by 200 feet
- /7 Letter from Centre Co. Planning and Community Development, dtd Oct. 11, 2016, re: MNMC NOI to file with SRBC for peak daily consumptive use of water

CA-3 Resolutions, Approval of

- a. R-16-21, Innovation Blvd.; Liquid Fuels

Due to the large number of correspondence items pulled for discussion, Chair delayed the approval of the Consent Agenda until inquiries/comments on correspondence were completed.

CA-2/1: Ms. Stilson asked about how future expanded sewer service lines pan out in the future.

- Mr. Brumbaugh reported that the 2006 Act 537 Implementation Plan Update incorporated not only the properties along Shiloh Road but also the Clair and Rogers properties in Benner Township. The two nearby sewer authorities need to reach an agreement about how to arrange serving those locations.

CA-2/3: Mr. Bernier asked about which property was being served with an abatement order.

- Mr. Gabrovsek reported that the property in question is next to the U-Haul store and had been demolishing the house there without a demolition permit.

CA-2/4: Mr. Lynch requested clarification on the C-NET membership dues for 2017.

- The 2016 dues were \$30,374; and there was a three percent (3%) increase for 2017, bringing the total annual membership dues for 2017 to \$31,266.

CA-2/5: Ms. Stilson asked Council if College Township should accept the offer of a Water Resources Monitoring Project presentation.

- Council concurred that a special presentation should be scheduled for an upcoming Council meeting.

CA-2/6: Ms. Stilson inquired about the agency responsible for the overseeing of the increase in the depth of quarry mining.

- Mr. Brumbaugh advised that the PA Department of Environmental Protection (DEP) regulates and monitors quarry operations.

**Ms. Stilson moved to approve the November 3, 2016, Consent Agenda, as presented.
Mr. Lyncha seconded the motion.
Motion carried unanimously.**

OLD BUSINESS:

OB-1 Resolution R-16-25; Transfer of Liquor License #R-20680 to College Township

Resolution R-16-25, Transfer of Liquor License #R-20680 to College Township, provides College Township's approval of the subject liquor license to be placed at the Weis Markets at 100 Rolling Ridge Drive from the State College Borough. This action is required as part of the Pennsylvania Liquor Control Board application approval process.

Chair Francke announced his intention of refraining from directing this agenda item and of abstaining from voting on this matter, as he is a liquor license holder in the Centre Region. Control of this agenda item was handed over to Vice Chair Carla Stilson.

Vice Chair called for any additional information on this matter prior to its going to a vote. Mr. Brumbaugh replied that, in accordance with Council's prior request for feedback, the Township received communication from the State College Police Department that this liquor license would have little or no impact on police services or activities in College Township.

**Mr. Bernier moved to approve Resolution R-16-25, Transfer of Liquor License #R-20680 to College Township; Weis Markets, 100 Rolling Ridge Dr., as presented.
Mr. Fragola seconded the motion.**

Mark Kozar, Esq., Flaherty and O'Hara, and Mr. Alex Ororbia, Weis Markets' Architectural Dept. Sr. Manager, offered clarification on how PLCB managed the in-county liquor licenses and how Act 39 was impacting approximately 1,200 revoked or otherwise inactive liquor licenses in Pennsylvania.

Mr. Lyncha announced his intention of abstaining from voting on this matter, as he works on this project in his capacity as a Professional Engineer.

**Vice Chair called the question.
Motion carried 3 – 0 – 2 (Francke and Lyncha abstaining).**

OB-2 Ordinance O-16-11, Wireless Communications Facilities; Set Public Hearing

In correspondence to Council, dated October 27, 2016, Mr. Holdren presented the revised, proposed Ordinance O-16-11, Wireless Communications Facilities, which, with Council's consent, could be considered for the setting of a public hearing.

Proposed Ordinance O-16-11, Wireless Communications Facilities, would amend Chapter 200, Zoning, to modify 1) regulations for wireless communications facilities relative to noise of WCFs; 2) definitions; removal, replacement, and modifications of WCFs; 3) requirements for undergrounding of related WCF equipment outside of the rights of way; 4) height of an attached WCF inside of a right of way; and 5) stealth requirements.

NEW BUSINESS:

NB-1 Centre Region Council of Governments (CRCOG) 2017 Summary Budget; Review

Messrs. Jim Steff, CRCOG Executive Director, and Joseph Viglione, CRCOG Finance Director, were in attendance to answer questions and offer clarification on the Centre Region Council of Governments' Proposed 2017 Summary Budget.

Chair Francke, Council representative on the CRCOG Finance Committee, led Council through an overview of the subject budget, which reflected a full budget amount of \$24,296,938, an increase of \$3,045,361. Increases in municipal shares, targeted annually to be no greater than three percent (3%), resulted in College Township's 2017 share totaling \$1,188,029, an increase of \$26,498 over 2016.

Council accepted the proposed 2017 CRCOG Budget without additional comment. Staff was directed to send a letter to CRCOG to this effect.

NB-2 Slab Cabin Run Initiative – ClearWater Conservancy (CWC); Presentation

In a letter to College Township, dated October 24, 2016, Ms. Deborah Nardone, CWC Executive Director, described CWC's new conservation project, known as Slab Cabin Run Initiative. The intent of this project is to permanently conserve 300 acres of agricultural land immediately outside the Regional Growth Boundary (RGB) along University Drive extension. The land consists of a portion of the Everhart Farm and the Meyer Dairy. Plans are to 1) acquire the Everhart Farm and place a conservation easement on the property; 2) acquire conservation rights and place conservation easement on the Meyer property then sell the Everhart Farm to the Meyer Dairy Partnership. The land conservation of the 300 acres will result in the Meyer Dairy Partnership owning both farms and CWC holding perpetual conservation easements on both farms. Additionally, this Initiative would protect the community's drinking water at its source; restore the health of an important local stream; and preserve the agricultural character of the Centre Region. With an estimated project cost of \$2,750,000, CWC is pursuing private donations for fifty percent (50%) of the costs and asking local municipalities to contribute the

remaining fifty percent (50%). As the land is situated in College Township, Council was asked to authorize a \$150,000 contribution toward the Slab Cabin Run Initiative.

Mr. Kevin Abbey, CWC Land Conservation Manager, described the land acquisition process for this project, reiterating comments offered in Ms. Nardone's letter. Mr. Abbey added that it was hoped that the private fundraising effort could be completed by the end of the third quarter and that the fifty percent municipal match could be proven to the Everharts by the end of December 2016. Council was requested to provide their level of commitment by the end of the year.

Council and staff offered the following questions/comments.

- Offered its congratulations; asked if the conservation easement was more important than keep the land agriculture.
Mr. Abbey answered in the affirmative.
- Inquired into what type of development would be allowed.
Mr. Abbey replied that the most sensitive area is near the trailer park near the new Sheetz store. That 21-acre riparian buffer area would require the greatest level of protection, and no agricultural operations would be allowed there. As far as residential development, the Everharts required that there be no residential development on the 156-acre Everhart farm. Mr. Abbey added, though, that the 143-acre Meyers Farm, there could be clustered residences, as permitted in the current zoning.
- Asked if ClearWater Conservancy would be returning to Council in the future requesting additional funds for the conservation easement.
Mr. Abbey stated that this was a one-time request.
- Asked if 35% of the land be developed.
Mr. Abbey reported that the appraisers are saying that sixty percent (60%) of the value if the farm is in their development rights. The Everharts strongly oppose any residential development on their property.
- Requested being provided more quantifiable data to justify this expenditure of taxpayer dollars.
- Asked if the covenants would allow for municipalities to be involved in this project so as to gain credit for MS4 goals.
Mr. Abbey replied in the affirmative, although he could not guarantee that this could be written into the conservation easement.
- Recognizing the benefits of this project to ClearWater Conservancy and the property owners, CWC was asked what benefit would be offered the municipalities in justifying the expenditure to taxpayers, stressing some MS4 issues being satisfied as a result of this acquisition.
- Noted that there was no empirical data supporting the assumption of protection of the source water results in any certain percentage of a reduction in pollutants.

Ms. Virginia Belser, College Township resident, offered support for CWC's acquisition of this property and the Slab Cabin Run Initiative.

Ms. Libby Mortensen, College Township resident, expressed that the Slab Cabin Run Initiative was a win for residents, water quality, farmland preservation, and retaining beautiful landscape.

Mr. Don Snowden, State College, supported College Township's backing the Slab Cabin Run Initiative's effort to preserve the agricultural land.

Mr. Bernie Hoffner, State College, supported this Initiative and encouraged the acquisition.

Mr. Brumbaugh stated that this topic would be part of the proposed 2017 College Township budget review process.

STAFF AND ABC INFORMATIVES:

No *Staff Informatives* were pulled for discussion.

OTHER MATTERS:

1. Special meeting called for Monday, November 14' at 5 PM, for the purpose of reviewing the 2017 College Township Budget.
2. Council briefly discussed the Alternate Director vacancy on the College Township Industrial Development Authority (CTIDA) and supported leaving the vacancy carry forward until the CTIDA has an opportunity to formulate its board needs. Mr. Fragola, a prior CTIDA Board member, stressed that it should not be taken away from anyone indicating an interest in learning about it, as no one comes to the Board already understanding the CTIDA's work.

ADJOURNMENT:

Hearing of no additional business, Chair Francke called for a motion to adjourn. Mr. Lyncha offered a motion to adjourn, and Chair seconded the motion. Chair adjourned the November 3, 2016, Council Regular Meeting at 8:55 PM.

Respectfully submitted,

Adam T. Brumbaugh

Adam T. Brumbaugh
Township Manager/Secretary