

**COLLEGE TOWNSHIP COUNCIL**  
**REGULAR COUNCIL MEETING MINUTES**  
**Thursday, November 20, 2014**

**ATTENDED BY:**

**COUNCIL:**

L. Eric Bernier, Chair  
Mary C. Shoemaker, Vice-Chair  
Lynn B. Herman  
Carla Stilson  
D. Richard Francke

**STAFF:**

Adam T. Brumbaugh, Township Manager/Secretary  
Robert T. Long, Jr., Finance Director  
John J. Franek, Jr., Management Analyst  
Michael W. Heath, Zoning Officer  
Mark Holdren, CRPA Sr. Planner  
Mary E. Wilson, Asst. Township Secretary

**ABSENT:**

Kent N. Baker, Township Engineer

**CALL TO ORDER**

Chair Bernier called to order the November 20, 2014, College Township Council Regular Meeting at 7:11 PM following public hearings on Ordinances O-14-12, Patio Houses; O-14-15, University Planned District (UPD) Rezoning; and O-14-17, Open Space Recreation and Conservation District (OSR).

**OPEN DISCUSSION:**

No *Open Discussion* matters were introduced.

**PLANS:**

**P-1 Penn State University (PSU) Data Center Preliminary/Final Land Development**

Mr. David Pike, Project Manager, Sweetland Engineering, introduced the PSU proposed plan for the construction of a new, two-story, 56,480-square-foot data center building to be located immediately southwest of the Tower Road/University Drive intersection. University Drive

will be extended approximately 450 feet from its intersection with Tower Road for service and delivery vehicles. Stormwater runoff will be conveyed to the existing Foods Pond located south of the data center site. Best Management Practices (BMP) features will meet PA DEP requirements, which will include rain gardens along Tower Road and elsewhere on site.

Council offered comment or posed questions on 1) projected number of employees; and, 2) an access road stabilized for the use of fire apparatus, prior to taking the following action.

**Ms. Shoemaker moved to approve The Pennsylvania State University Data Center Preliminary/Final Land Development Plan, dated September 5, 2014, last revised November 5, 2014, with the following conditions:**

- 1. Obtain all required signatures on the plan;**
- 2. Pay all outstanding plan review fees; and**
- 3. Provide notes on the plan stating the anticipated construction schedule of the Data Center and also for the construction of the University Drive sidewalk.**

**Ms. Stilson seconded the motion.**

Hearing no public comment, Chair Bernier called for the vote.

**Motion carried unanimously.**

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

Mr. Brumbaugh, Township Manager, presented the November 20, 2014, Manager's Update, and offered updates on Item 12-05, Nittany Outdoor Advertising, LLC lawsuit, stating that the court has not yet ruled on the petition relative to any attorney fees.

#### **CONSENT AGENDA:**

- |                             |   |
|-----------------------------|---|
| <b>CA-1</b> Minutes:        | November 6, 2014, Regular Council Meeting   |
| <b>CA-2</b> Correspondence: | /1: Email from Mr. James Serene, dtd Nov. 13, 2014, regarding winter maintenance of bikepaths                             |
|                             | /2: Letter from Ms. Mary Shoemaker, dtd Nov. 10, 2014, tendering resignation from Council effective Jan. 1, 2015          |
|                             | /3: Email from Dr. R. Stingelin, dtd Nov. 20, 2014, regarding Everhart property and SCBWA water source protection notice. |

**Ms. Stilson moved to approve the November 20, 2014, Consent Agenda, as presented.**

**Ms. Shoemaker seconded the motion.**

**Motion carried unanimously.**

**OLD BUSINESS:**

**OB-1 Ordinance O-14-12, Patio Houses; Adoption of**

Mr. Mark Holdren, CRPA Sr. Planner, stated that Ordinance O-14-12, Patio Houses, proposes to amend the College Township Code by revising the definition of “patio houses” to allow multiple patio houses on a single lot. A duly advertised public hearing on this ordinance was held this date.

Ms. Stilson requested copies of articles referenced in the CRPA letter from Director Jim May, dated November 7, 2014.

**Mr. Herman moved to adopt Ordinance O-14-12, Patio Houses, as presented.  
Mr. Francke seconded the motion.  
Motion carried unanimously.**

**OB-2 Ordinance O-14-16, University Planned District (UPD) Rezoning; Adoption of**

Mr. Holdren advised that Ordinance O-14-16, University Planned District Rezoning, went to a duly advertised public hearing this date. This ordinance would rezone a 4.5-acre portion of College Township Parcel 19-003-,100-,0000- from UPD 7 to UPD 8.

**Mr. Francke moved to adopt Ordinance O-14-16, UPD Rezoning, as presented.  
Ms. Shoemaker seconded the motion.  
Motion carried unanimously.**

**OB-3 Ordinance O-14-17, Amendments to the Open Space Recreation Conservation (OSR) Zoning District; Adoption of**

Mr. Holdren reported that Ordinance O-14-17, Amendments to the OSR Zoning District, is intended to lessen the impact of some of the permitted uses within this zoning district by amending or prohibiting those land uses that might otherwise be considered a potential nuisance or impactful to open spaces and natural areas.

**Ms. Shoemaker moved to adopt Ordinance O-14-17, Amendments to the OSR Zoning District, as presented.  
Ms. Stilson seconded the motion.  
Motion carried unanimously.**

#### **OB-4 Everhart Rezoning Request; Discussion and Action**

In correspondence to Council, dated November 17, 2014, Mr. Holdren, CRPA Sr. Planner, reported that the College Township Planning Commission (PC) reviewed the original request for the rezoning from Agriculture (A) to Single-Family Residential (R-1) zoning of approximately 60 acres of the 159-acre Everhart tract located along University Drive Extension. This matter returned to Council without PC's support on the original rezoning; and, Council subsequently reviewed how to allow for some residential development without any change in zoning designation. Public discussion at the earlier meeting relayed concern with potential water problems; and some residents suggested utilizing the Township's Rural Preservation Ordinance to accommodate densely packed development while preserving the majority of the site. This revised concept for the subject tract of Agriculture (Ag) land would include 35% of the parcel in the Regional Growth Boundary (RGB) and Sewer Service Area (SSA) while having the land's zoning remain unchanged. Utilizing this concept, only a portion of the tract could be developed with single-family homes. The remaining 65% would be left in agricultural production or some form of open space. No definitive area has yet been defined for RGB/SSA inclusion.

Prior to receiving public comment, Council inquired about the applicable regulations that would allow for a tripling of the density and about the maximum number of allowable dwelling units in the designated residential area.

Mr. Lou Rubano, Oak Pointe Circle, inquired into the number of entrances that would be constructed and asked if College Township Council would consider a one-time tax to purchase the Everhart tract, possibly in conjunction with other, participating Centre Region municipalities.

Mr. Mark Torretti, Penn Terra Engineering, advised that, even without the rezoning, the Everharts could still develop up to 35% of the property with on-lot septic systems, about 52 acres, under the Rural Preservation Ordinance regulations. Development would likely be up in the area near the portion of their property zoned R-1 and already in the RGB. The property owners recognize and agree with the SCBWA's preference to see any development situate within the SSA.

Ms. Libby Mortensen, Ronan Drive, stated that she felt a Council vote on the Development of Regional Impact (DRI) matter associated with the RGB/SSA expansion was premature, suggesting instead that Council react to a development plan.

Mr. Robert Edwards, Kennedy Street, stated that 1) the formulation in Mr. Holdren's memorandum that indicated sewer would be better than septic does not solve the problem; 2) the merits of the request lie with the petitioners, not Council, with the developers demonstrating need; and 3) the request should be rejected.

Ms. Virginia Belser, Ronan Drive, suggested alternatives to development that would preserve the farmland and asked Council to give the "University Drive Farm Preservation Initiative" time to move their initiative forward for this parcel.

Mr. Jon Lichman, State College Borough Water Authority (SCBWA), advised that the SCBWA has wells very close to the subject parcel and stated that, for the protection of their wells, the SCBWA preferred that sewer systems are used on the Everhart property, as on-lot systems eventually fail.

Mr. Ron Stingelin, Ronan Drive, stated that this parcel is the most important recharge site for the SCBWA and expressed concern about the water.

Mr. Torretti recommended moving Planning Commission's recommendation forward.

Ms. Shoemaker commented on purchasing rural preservation land, clarifying that it would be necessary to look at the entire Township to determine which parcel of land would be the most useful to the Township. Ms. Shoemaker did not support making such a decision based on this one property.

Council reiterated that the Everharts had the ability to develop their property on septic without any rezoning taking place; mentioned gravity septic and pump septic systems; considered whether or not a DRI request needs to be tied to a rezoning; and considered impacts of any development influencing the location of the SSA boundary.

**Mr. Francke moved to deny the original Everhart rezoning request from Ag to R-1.**

**Ms. Stilson seconded the motion.**

**Motion carried unanimously.**

Mr. Francke expressed support for having the DRI follow an actual land development plan and suggested that the property owners return to Council with some formalized plans that reflected a demonstrated need for sewer service before Council takes action on the DRI. The balance of Council concurred.

On behalf of the property owners, Mr. Torretti asked Council if, after the property owners committed to spending the money for sketch plans, etc., there could be some concurrence that this would eventually be viewed favorably and that College Township would be committed to this development.

Chair Bernier stated that, for the most part, Council appears to support the concept of an extension of the sewer service area, if the development of the property is inevitable, but stressed again that this parcel can be developed today under current ordinances.

Mr. Torretti agreed to return to Council at a future date with a sketch plan for Council's review in anticipation of support for moving through the DRI process.

Chair Bernier called for a brief recess at 9:15 PM and reconvened the meeting at 9:25 PM.

**OB-5 Ordinance O-15-01, Amendment to Chapter 180, Subdivision of Land, (Fee-in-Lieu-of Parkland Regulations); Review and Remanding of**

In written correspondence to Council, dated Nov. 17, 2014, Mr. John J. Franek, Jr., Management Analyst, introduced proposed Ordinance O-15-01, Fee-in-Lieu of Parkland Regulations, previously numbered O-14-18. This ordinance would amend College Township Code, §180-26, Parkland and Open Space, to comply with Pennsylvania Act 135 of 2014. Act 135 amends the Pennsylvania Municipalities Planning Code (MPC), Section 503, relative to the use of fee-in-lieu of parkland funds. The amended section of the MPC now allows municipalities to use fee-in-lieu funds for acquiring, operating, or maintaining park facilities reasonably accessible to the development.

Mr. Franek presented the subject proposed ordinance to Council, advising that, in coordination with the township solicitor, staff developed the ordinance language for MPC consistency and recommended that this ordinance be remanded to the Parks and Recreation Committee and the Planning Commission for review and comment and that Council set a January public hearing on this proposed ordinance.

**Mr. Francke moved to remand proposed Ordinance O-15-01, Amendment to Chapter 180, Subdivision of Land, to the College Township Parks and Recreation Committee and College Township Planning Commission for comment and that this ordinance be scheduled for a January 22, 2015, public hearing.**

**Ms. Stilson seconded the motion.**

**Motion carried unanimously.**

**OB-6 Brush and Leaf Collection**

**a. Ordinance O-14-15; Amendments to Chapter 172, Solid Waste**

At their November 6, 2014, Regular Meeting, Council offered comments on proposed Ordinance O-14-15, Amendments to Chapter 172, Solid Waste (Regulations for Separation and Collection of Leaf Waste, Brush Waste, and Grass Clippings), as well as on its associated Resolution R-14-17, Leaf, Brush, and Grass Clippings Penalties. At that time, Council directed staff to incorporate revisions to these proposed documents relative to including consistent curbside placement guidelines; improving language in the Violations and Penalties section; making reference to the fee schedule in Chapter A203; and including a more detailed explanation of costs associated with a property lien. Mr. Franek presented the revised ordinance and resolution for Council's review and comment.

Ms. Shoemaker opposed the seven-day limit established for the payment of fines, citing it was insufficient time and the ordinance language appeared harsh. Staff advised that the Township internal policy is to improve behaviors rather than issue fines, and every avenue is first taken to change improper or unsafe collection behaviors before resorting to issuing fines.

Mr. R. Pat Vernon, Walnut Spring Lane, concurred with Ms. Shoemaker's position on the insufficient, seven-day response time; suggested that violators be notified more quickly by text message or phone call; and suggested that the Township consider changing behaviors by rewarding violators who pay their fine in a timely fashion by reducing or eliminating the fine.

Staff explained that they first attempt to reach residents in violation of this or any similar ordinance by phone and/or email to give a verbal notification. Only when there is staunch refusal to comply does the staff send a certified letter, which, once received, starts the seven-day response requirement.

**Ms. Stilson moved to adopt Ordinance O-14-15, Amendments to Chapter 172, Solid Waste.  
Mr. Herman seconded the motion.  
Motion carried 4 – 1 (Shoemaker voting nay).**

**b. Resolution R-14-17, Brush and Leaf Collection Penalties**

**Mr. Francke moved to approve Resolution R-14-17, Brush and Leaf Collection Penalties.  
Ms. Shoemaker seconded the motion.  
Motion carried unanimously.**

**NEW BUSINESS:**

**NB-1 College Township Proposed 2015 Budget; Approval of**

**Mr. Herman moved to approve the Proposed 2015 College Township Budget, advertise same in accordance with the Second Class Township Code, and schedule a public hearing on the 2015 College Township Budget for December 18, 2014.  
Mr. Francke seconded the motion.**

In response to public inquiry, Mr. Brumbaugh, Township Manager, reported that, as a result of their November 17, 2014, Special Budget Review Meeting, Council's Proposed 2015 Budget provides no millage increase in real estate property tax; budgeted revenues and expenditures of \$6,335,743 and \$6,845,468, respectively; excess of expenditures over revenues of \$509,725, which reduces the expected beginning fund balance from \$2,020,397 to a projected ending 2015 fund balance of \$1,510,672.

Mr. Pat Vernon commented on the \$35,000 increase in College Township's share to the Centre Region Council of Governments (CRCOG), stressing the need for monies to be spent on education. Mr. Vernon stated that annual increases in the CRCOG budgets are starting to make the Centre Region an unaffordable place to live; suggested that College Township only

purchase what is needed, or even reduce those expenditures; and opposed spending additional funds on parks.

Ms. Shoemaker expressed discomfort with reducing the fund balance below the established ten percent of General Fund revenues figure and suggested that Council might reconsider a .25 millage increase to help alleviate any funding difficulties that could evolve in the following year.

Mr. Robert T. Long, Jr., Finance Director, reported that the tax millage remaining unchanged for 2015 would reduce the percentage from the recommended 10 percent down to between eight (8) and nine (9) percent. However, Mr. Long stated that, although below the GFOA-recommended target of 10 percent, he was comfortable with this figure.

**Motion carried unanimously.**

#### **STAFF AND ABC INFORMATIVES:**

*No Staff and ABC Informatives* were provided.

**College Township Planning Commission (PC) Meeting, November 18, 2014:** Mr. Steve Lyncha, PC-Council Liaison, reported that PC discussed and took action to recommend the forwarding of the Gateway Commercial Zoning District Ordinance amendments. The PC also discussed the Industrial and Commercial Zoning Districts proposed ordinance and tabled this item for additional review at the next PC meeting.

#### **COUNCIL/STAFF OTHER MATTERS:**

1. Based on Council's receipt of the resignation of Council member Mary Shoemaker, Mr. Brumbaugh requested Council's direction on how to proceed with filling that upcoming vacancy. Council directed staff to solicit interest from current Authorities, Boards, and Commissions (ABC) members via contact and the general public via advertising and posting.
2. Ms. Shoemaker asked if any Council member could attend the November 25<sup>th</sup> CCMPO Meeting at Patton Township; and Chair Bernier volunteered.

#### **COMMITTEE REPORTS:**

**Executive Committee, November 18, 2014:** Chair Bernier reported that the Executive Committee met to set the agenda for the November General Forum Meeting, highlighting agenda matters on 1) the Welch Pool ADA parking issue; and 2) possible cost savings that could result from doing regional ordinance adoptions, when appropriate.

**Joint Public Services and Public Safety/Environmental Committees Meeting, Nov. 12, 2014:** In written correspondence, dated Nov. 12, 2014, Ms. Stilson reported that the subject joint meeting was held with representatives of PennDOT, utilities, and emergency response entities. The attendees 1) received an update on the Community Emergency Response Teams (CERT) Program; learned that State College Borough MS4 training is required for first responders; 2) received an update on the 911 System improvements; 3) were reminded to call “8-1-1” before you dig; 4) received an report on the new Odorizer system in Pleasant Gap; and 5) discussed the October 17<sup>th</sup> accident and Rte. 322 road conditions of, and possible improvements at, the section near the Branch Road overpass.

**Joint Meeting of Parks Capital and Parks and Recreation Authority Board, November 13, 2014:** Mr. Baker attended on behalf of Mr. Francke. The subject joint meeting was held for the purpose of discussing a matter of litigation involving Oak Hall Regional Park.

**Finance Committee, November 18, 2014:** Ms. Shoemaker reported that the Finance Committee discussed the municipalities’ budget comments and forwarded the same to the General Forum. The Committee held a discussion on the proposed \$7.00 increase of the rental housing fee, which was forwarded to General Forum as proposed.

Mr. Pat Vernon, speaking as the Vice President of the Centre Region Residential Owners Association, stated the Association’s strong objection to this large increase, as it appeared to be raised just because it had not been done in a while.

Council stated that the increases were substantiated by inspection and operating costs presented by the Centre Region Code Administration’s director, but discussion focused on how to more efficiently perform inspections, such as several unit inspections in one building done at one visit.

**ADJOURNMENT:**

Hearing no other matters for discussion, Chair Bernier called for a motion to adjourn and received same from Ms. Stilson.

Chair Bernier adjourned the November 20, 2014, Regular Meeting of the College Township Council at 10:22 PM.

Respectfully submitted,

*Adam T. Brumbaugh*

Adam T. Brumbaugh  
Township Manager/Secretary