

**COLLEGE TOWNSHIP REGULAR  
COUNCIL MEETING MINUTES  
Thursday, December 6, 2012**

**ATTENDED BY:**

**COUNCIL:**

David P. Fryer, Chair  
Daniel D. Klees, Vice-Chair  
Forrest J. Remick, Ph.D.  
David W. Koll  
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 December 6, 2012, College Township Council Regular Meeting at 7:00 PM, followed by the Pledge of Allegiance.

**ANNOUNCEMENT:**

Chair Fryer announced that Council held an Executive Session on November 29<sup>th</sup> for the purpose of discussing a personnel matter.

**OPEN DISCUSSION:**

None.

**MANAGER'S UPDATE:**

Mr. Brumbaugh, Township Manager, presented the December 6, 2012, Manager's Update. In response to Council inquiry, staff 1) clarified which ramp was labeled as "Ramp C" from

University Drive onto E. College Avenue, as noted in the State College Borough Police crash data; and 2) advised that no report had yet been received from the township solicitor on a recent legal proceeding.

Council received the Manager's Update without significant comment.

**CONSENT AGENDA:**

**CA-1 Minutes:**

- a. October 18, 2012, Regular Council Meeting.
- b. November 1, 2012, Regular Council Meeting.
- c. November 29, 2012, Special Meeting.

**CA-2 Correspondence:**

- /1: Email from H. Graves, dtd Nov. 1, 2012, resigning from IDA effective Dec. 31, 2012.
- /2: Letter from S. Stephenson, dtd Oct. 24, 2012, opposing Hilltop Mobile Home Park rezoning.
- /3: Email from M. Chernega, dtd Nov. 4, 2012, opposing Hilltop Mobile Home Park rezoning.
- /4: Email from M. Rooke, dtd Nov. 3, 2012, requesting agenda placement to discuss the Hilltop Mobile Home Park Rezoning.
- /5: Letter from R. H. Morris, dtd Nov. 6, 2012, regarding Hilltop Mobile Home Park residents' displacement.
- /6: Letter from PADEP, dtd Oct. 12, 2012, subj: Clean Streams Law Violation, Waupelani Dr.
- /7: Letter from M. Robinson, dtd Nov. 6, 2012, opposing Hilltop Mobile Home Park rezoning.
- /8: Letter from C. and E. Mayes, dtd Nov. 6, 2012, opposing Hilltop Mobile Home Park rezoning.
- /9: Letter from J. Plevelich, dtd Nov. 6, 2012, opposing Hilltop Mobile Home Park rezoning.
- /10: Letter from K. and E. Bartsch, dtd Nov. 7, 2012, opposing Hilltop Mobile Home Park rezoning.
- /11: Letter from S. Fulton, dtd Nov. 7, 2012, opposing Hilltop Mobile Home Park rezoning.
- /12: Letter from T. Bloom, dtd Nov. 7, 2012, opposing Hilltop Mobile Home Park rezoning.
- /13: Letter from T. Derstine, M.D., dtd Nov. 9, 2012, opposing Hilltop Mobile Home Park rezoning.
- /14: Letter from R. Derstine, M.Ed, dtd Nov. 9, 2012, opposing Hilltop Mobile Home Park rezoning.
- /15: Letter from Rev. M. Friesen, University Mennonite Church, dtd Nov. 9, 2012, opposing Hilltop Mobile Home Park rezoning.

- /16: Email from J. and B. Jones, dtd Nov. 10, 2012, opposing Hilltop Mobile Home Park rezoning.
- /17: Email from V. Biber, dtd Nov. 13, 2012, opposing Hilltop Mobile Home Park rezoning.
- /18: Email from L. and J. Harlow, dtd Nov. 12, 2012, opposing Hilltop Mobile Home Park rezoning.
- /19: Letter from I. Ouellette, rec'd Nov. 13, 2012, opposing Hilltop Mobile Home Park rezoning.
- /20: Letter from Rachel, rec'd Nov. 13, 2012, opposing Hilltop Mobile Home Park rezoning.
- /21: Letter from R. Eagan, dtd Nov. 13, 2012, opposing Hilltop Mobile Home Park rezoning.
- /22: Letter from S. Brace, rec'd Nov. 13, 2012, opposing Hilltop Mobile Home Park rezoning.
- /23: Email from R. Baillie, dtd Nov. 13, 2012, opposing Hilltop Mobile Home Park rezoning.
- /24: Email from G. Thompson, dtd Nov. 15, 2012, opposing Hilltop Mobile Home Park rezoning.
- /25: Letter from M. McGee, rec'd Nov. 13, 2012, opposing Hilltop Mobile Home Park rezoning.
- /26: Anonymous letter, rec'd Nov. 21, 2012, opposing Hilltop Mobile Home Park rezoning.
- /27: Email from J. Thomas, dtd Nov. 13, 2012, Regarding football rental properties.
- /28: Email from K. Santillo, dtd. Nov. 27, 2012, opposing Hilltop Mobile Home Park rezoning.
- /29: Letter from C. and G. DiCristofaro, rec'd Nov. 28, 2012, opposing Hilltop Mobile Home Park rezoning.
- /30: Letter from R. Parrish Sauder, dtd. Nov. 11, 2012, opposing Hilltop Mobile Home Park rezoning.
- /31: Letter from Pennsylvania Mid-State Bed & Breakfast Assoc., dtd. Nov. 14, 2012, regarding unregulated football weekend rental properties.
- /32: Letter from D. Klees, dtd Nov. 29, 2012, resigning from Council as of Dec. 31, 2012.
- /33: Email from S. Yager, dtd Nov. 30, 2012, opposing Hilltop Mobile Home Park rezoning.
- /34: Letter from J. Perison, dtd. Dec. 1, 2012, opposing Hilltop Mobile Home Park rezoning.
- /35: Letter from S. Stilson, dtd Nov. 12, 2012, opposing Hilltop Mobile Home Park rezoning.
- /36: Letter from C. Stilson, dtd Nov. 10, 2012, opposing Hilltop Mobile Home Park rezoning.

- /37: Letter from M/M B. Burns, dtd Dec. 3, 2012, opposing Hilltop Mobile Home Park rezoning.
- /38: Email from J. Barnoff, dtd Dec. 5, 2012, opposing Hilltop Mobile Home Park rezoning.
- /39: Email from J. Moon, dtd Dec. 5, 2012, opposing Hilltop Mobile Home Park rezoning.
- /40: Email from S. Mukavetz, dtd Dec. 6, 2012, opposing Hilltop Mobile Home Park rezoning.
- /41: Email from K. Dabney, dtd Dec. 6, 2012, opposing Hilltop Mobile Home Park rezoning.

**CA-3 Report:** Finance Director's.

Council pulled item CA-2/32 from the Consent Agenda and placed on this agenda under New Business for Council's discussion.

**Ms. Shoemaker moved to accept and approve the December 6, 2012, Consent Agenda, minus Item CA-2/32.  
Mr. Klees seconded the motion.  
Motion carried unanimously.**

## **OLD BUSINESS:**

### **OB-1 Hilltop Mobile Home Park; Discussion**

Chair Fryer described the procedure to be followed in the review of the Hilltop Mobile Home Park matter before asking staff to give a brief overview on this issue. Chair Fryer stressed that this matter was for the purpose of hearing public input on their plight as a result of the closing of the subject mobile home park and was not for the purpose of hearing comments, or taking action, on any future request for the rezoning of this property. However, to help the audience in attendance understand how a rezoning request is processed, Chair Fryer requested CRPA Sr. Planner, Mr. Mark Holdren, to present a brief overview on the zoning map amendment process and how it could impact the Hilltop parcel.

Mr. Mark Holdren, CRPA Sr. Planner, offered a presentation on the zoning map amendment process, noting that rezoning requests generally take six to nine months to come to a decision due to the required reviews by multiple entities, advertising, and public hearings.

Mr. Matthew Rooke, 214 Woods Road, speaking on behalf of the Hilltop Resident Association, consisting of 44 households and 84 individuals, strongly urged Council to retain Hilltop Mobile Home Park's current zoning in the Mobile Home Park (MHP) Zoning District. As an alternative to the current owner's efforts to sell to a developer proposing the development of student housing on this parcel, Mr. Rooke suggested that the land could be sold to residents as a cooperative, manufactured home community, resident owned and maintained. Mr. Rooke introduced Atty. Donald Marritz, who would later describe this

alternative and implications of the revised Manufactured Home Community Rights Act, Act 156.

Ms. Mary Lou Martin, 277 Woods Road, State College, stated that she is a veteran as well as a resident of Hilltop Mobile Home Park. Ms. Martin declared the park to be a quiet, clean, and safe place to live. She requested Council's support in allowing Hilltop to remain a mobile home park.

Mr. Ron Young, 509 Mobile Avenue, State College, has been a resident of Hilltop since 1981 when he was a Penn State student and later as a University employee. Mr. Young asked Council to help find a resolution to this housing crisis through communication and compromise.

Mr. Rooke added that mobile home parks are being reimagined in Pennsylvania, urged by recent legislative changes governing these communities. Land trust-type models are one type of affordable housing that could be utilized in this situation where the land itself is held in ownership by a cooperative.

Donald Marritz, Esq., Regional Housing Legal Services, Gettysburg, Pennsylvania, reported that the Hilltop Mobile Home Park was established in 1940 to offer housing to returning war veterans. To aid Council in understanding the Hilltop Resident Association's consideration of a resident-owned community, Atty. Marritz distributed a brochure generated by his legal office, entitled *Resident Protection Program - Opportunities for Manufactured Housing Owners*. Atty. Marritz explained that he and the Hilltop Residents Association were in the process of establishing an attorney-client relationship for the purpose of attempting to acquire the Hilltop property and establishing it as a resident-owned, manufactured-home community. Atty. Marritz reported that established organizations, such as ROC USA and PathStone Corporation, are available to offer assistance in the process of purchasing land as a resident-owned community, as well as offering long-term, community acquisition financing. Atty. Marritz requested that Council look at the public benefit more than any private benefit in order to secure the Hilltop Mobile Home Park as an affordable housing community.

Mr. David Koll, Council member, asked Atty. Marritz to describe what constitutes a "manufactured home"; and Atty. Marritz referenced Section 6036 of the Manufactured Home Community Rights Act for the legal definition. Atty. Marritz stated that he would provide Council with a definition at a future time.

Chair Fryer received an affirmative reply when asking the presenters if the seller of Hilltop had been contacted. Mr. Rooke added, however, that the sellers advised that they were already under a conditional contract with a developer and could not entertain the residents' offer to buy the property for its retention as a mobile home park. Mr. Rooke spoke to the benefits of making this a resident-owned community, adding that one-third of the mobile home parks in New Hampshire are so established, and none have failed.

Mr. Rooke stated that Council's acting quickly is vital to securing the values of the homes and the livelihoods of the residents of Hilltop Mobile Home Park. The residents' association will

be incorporating, getting a list of residents interested in participating, contacting PathStone Corporation, and working on an infrastructure improvement plan to bring the community up to Code to make this a quality neighborhood. He stressed that preserving Hilltop would strengthen the broader community and added that College Township has the opportunity to assist by denying the rezoning request outright.

Chair Fryer stated that the residents should be working hard with the property owner; however, Mr. Rooke replied that the seller was not interested in engaging the residents.

Dr. Remick asked if the residents had considered establishing a similar, cooperative community elsewhere in the region. Mr. Rooke responded that the Hilltop site is ideal due to its proximity to jobs and public transportation, adding that the area's working families should not be pushed further and further away from the hub.

Mr. James Tuttle, 1238 Pennsylvania Avenue, State College, stated that his residence at Hilltop allows him to remain close to church, shopping, and his work as a taxi driver. Mr. Tuttle stressed the need for low-income housing in College Township.

Mr. Brian Tucker addressed Council on behalf of his brother, Anthony, 541 Mobile Avenue, State College. Anthony Tucker is a veteran whose home at Hilltop is worth less than the cost of relocating it. He cannot afford to move.

Mr. Eric Sauder, 186 Spring Street, State College, a co-worker of Mr. Rooke, applauded the residents' efforts to come up with an alternative to closing the park and urged Council to assist by denying any rezoning request.

Ms. Michelle Corey, 267 Woods Road, State College, stated that relocation opportunities are limited to anyone who does not have good credit. Ms. Corey stated that two weeks before receiving their park closure letter from the property owners, Ms. Corey asked the owners if they were thinking of selling. She stated she was told that they would not be selling unless one of them passed away. Ms. Corey supported the idea of a cooperative residential community.

Ms. Wendy Kephart, 517 Mobile Avenue, State College, a worker at the Centre County Women's Resource Center, stated that she cannot afford to rent in State College and will be moving to Philipsburg. She asked Council to do whatever was within its power to remedy this housing situation.

Dr. Ron Smith, 121 Dale Street, Lemont, reported that he has been a neighbor of the Hilltop Mobile Home Park since 1968, and he wants his neighbors to remain. Dr. Smith added that the Centre Region needs affordable housing and asked Council to keep Hilltop zoned as it is.

Ms. Sue Smith, 121 Dale Street, Lemont, stated that she has worked in support of affordable and workforce housing in the Centre Region and presented a petition to Council requesting that Council deny the Hilltop Mobile Home Park rezoning request. Council accepted the petition.

Mr. Robert Spooner, 1086 Cortland Drive, Lemont, stated that residents of Hilltop are a vital part of the community. Mr. Spooner referenced the developer's interest in considering the property for student housing, wondering if the next 'bubble' would be in education and resulting in future college enrollment declines. Mr. Spooner requested that Council consider what is best for College Township.

Mr. Jesse Kennedy, 320 N. 5<sup>th</sup> St., Philipsburg, expressed concern for Millbrook Marsh, which could be compromised due to fiber optic installations, and Thompson Woods Preserve, which could be compromised due to construction activity.

Mr. Robert Baillie, 186 E. North Hills Place, State College, stated that the property owners do not have the right to get the property rezoned, although they do have the right to sell it. Mr. Baillie suggested that Council members look at the website for the now defunct Riverdale Mobile Home Park in Jersey Shore, Pennsylvania, to see what residents were faced with. Mr. Baillie asked that Council not let that happen here.

Ms. Janice Perison, 778 Beaver Branch Road, State College, a resident of Ferguson Township, stated that residents in the Centre Region are connected to Hilltop residents and asked why residents must leave at the end of February.

Mr. Adam Brumbaugh, Township Manager, replied that College Township has no idea of the details of the property owners' sales agreement.

Mr. Pat Vernon, 858 Walnut Spring Lane, State College, stated that the proposed developer should be made aware of the significant number of student housing developments coming into the Centre Region. Mr. Vernon asked if planning staff does any type of annual forecasting, as it seems there is an excess of student housing without any increase in Penn State University enrollment. Mr. Vernon suggested that the Township should consider the vacancies that will be created when students move into the newer places, as State College could go the way of Williamsport. Mr. Vernon supported the mobile home park remaining as it is.

Ms. Joann Tosti-Vasey, Bellefonte, representing Ni-Ta-Nee NOW Chapter in Centre County, expressed support for the residents of Hilltop Mobile Home Park and for affordable housing, especially for women and children victims of domestic violence.

Ms. Brenda Reichert, Bellefonte, former resident of the Penn State Mobile Home Park (PSMHP), stated that she is working with former residents of PSMHP and Hilltop Mobile Home Park in keeping Hilltop's designation as it is. Ms. Reichert stressed the need for Hilltop to remain a mobile home park due to individual economic situations that result in residents, consisting of young working families, nurses, veterans, disabled, single-parent families, etc., having no options on relocating.

Mr. Scott Stilson, 1528 Puddintown Road, asked Council if it has decided to review any rezoning request for Hilltop; and the Township Manager, Mr. Brumbaugh, replied that Council will likely hear the rezoning request from the developer at a regular Council meeting

in January or February. Mr. Stilson added that the quickest way to deal with this is to deny hearing the rezoning request at all.

Mr. Brumbaugh, Township Manager, asked Atty. Marritz if he felt that Act 156 would apply to this circumstance; and Atty. Marritz replied in the affirmative, adding that, in terms of compensation provisions, residents should expect to be compensated for relocation expenses in the amounts of \$4,000 for a single-wide home and \$6,000 for a double-wide home. Owners of homes not able to withstand moving would be compensated a minimum of \$2,500 for mobile homes being junked.

Atty. Marritz added that, according to the new law, a 180-day intent-to-close notice is required to be sent to park residents; and, he was unsure if the notices that residents received constituted due notice to begin that 180-day clock. This determination would be part of his work on behalf of the residents.

Atty. Marritz confirmed that he would be assisting Hilltop Mobile Home Park residents in the development of an offer to the current property owners and the formation of a resident-owned community. In accordance with the new statute's conditions, mobile home park property owners wishing to close their parks have a duty to consider an offer for the park from residents and are bound by the law that they shall negotiate in good faith with residents wishing to procure their mobile home park.

Atty. Marritz offered to forward to the Township Manager a copy of a comprehensive study about manufactured housing in rural Pennsylvania completed by two Penn State University professors, and Mr. Brumbaugh accepted the offer.

Mr. Klees, Council member, spoke briefly about the reasoning behind banks backing student housing/rental developments as opposed to single-family projects, and suggested that the Centre Region should consider it a goal to determine how to re-purpose any older, vacated student housing into affordable housing. Mr. Klees stated that there was considerable sympathy for the plight of those impacted and wished that there were more ways that Council could help.

Hearing no other speakers, Chair Fryer called for a brief recess at 8:35 PM to allow audience members an opportunity to vacate Council chambers, and the meeting was reconvened at 8:42 PM.

Chair Fryer moved OB-3, Agricultural Uses in Forest District, forward on the agenda.

### **OB-3 Agricultural Uses in Forest District; Discussion**

At the August 2, 2012, Regular Council Meeting, Council reviewed proposed Ordinance O-12-08, which would allow for agricultural uses in the Forest District, specifically, the grazing of livestock, as requested by a property owner.

Mr. Mark Holdren, CRPA Sr. Planner, presented several options, including:

- Take no action but allow the requestor to graze his livestock as a non-conforming use;
- Change the use chart for the Forest Zoning District to include the raising and keeping of livestock and poultry;
- Rezone the Mincemoyer properties to one of the zoning districts that already permit such use of the land; or
- Create an allowance in the Forest Zoning District for grazing as a temporary use.

Following the presentation, Mr. Holdren requested Council's comments and direction on how to move this matter forward.

Council consensus supported grazing of animals by right in the Forest District with stipulations, such as elevation, and considered the options prior to receiving public comment.

Mr. Tom Mincemoyer, 181 Lenape Lane, stated that grazing animals was his objective in requesting Council's review of a change to the Forest District's permitted uses.

Mr. Jim Smith, 461 Brush Valley Road, Boalsburg, opposed any Forest Zoning District rezoning and urged Council to place more attention to the mission of Mt. Nittany Conservancy and how any such zoning changes could be in conflict with the Conservancy's established 1,300-foot limit.

Dr. Ralph Mumma, 530 Mt. Nittany Road, Lemont, stated that when he purchased his property 40 years ago, cows grazed at his 1,400-foot elevation. As a founding member of the Mt. Nittany Conservancy, Mr. Mumma added that the 1,300-foot elevation was an arbitrary level chosen by the Conservancy.

Ms. Sue Smith, 121 Dale Street, Lemont, stated that there are two horses in the Village of Lemont, which Village residents enjoy.

Mr. Ed Maxwell, 570 Struble Road, State College, offered his support for Mr. Mincemoyer's request and suggested that language be created that allows property owners to graze or otherwise use their ground. However, Mr. Maxwell questioned tilling limitations, as using best practices in proper field maintenance requires some tilling.

Mr. Don Hartsell, 250 Brush Valley Road, State College, questioned the word 'permitted', and Mr. Holdren replied that, in this usage, the word equates to 'allowed'.

Council supported a use by right and directed staff to consult with Mt. Nittany Conservancy prior to finalizing and bringing this back to Council.

**OB-2 Ordinance O-13-01, Workforce Housing; Remand to Planning Commission**

Council tabled this matter to a Special Meeting to be scheduled in the next week, due to the amount of time required to give it an adequate review.

**NEW BUSINESS:**

**NB-1 Consent Agenda Item CA-2/32; Resignation of Council Member Klees**

Citing reprioritizing of personal matters, Mr. Klees officially tendered his resignation from College Township Council in correspondence dated November 29, 2012, effective December 31, 2012, and extended his deepest appreciation for the opportunity to serve the residents of College Township on both Planning Commission and Council since 1987. Mr. Klees's term is scheduled to expire at the end of 2015.

Recognizing the difficulty with which this decision was made, Chair Fryer accepted Mr. Klees's resignation with regrets and thanked Mr. Klees for his many years of exemplary service to College Township. To fill this position, Council will appoint an individual to serve in Mr. Klees's seat for the 2013 calendar year. The remainder of Mr. Klees's term will be filled by the person winning the special municipal election added to the November 2013 General Election.

**STAFF AND ABC INFORMATIVES:**

SI-1, Ordinance Enforcement Report for October 2012: Ms. Shoemaker asked staff whether or not fines are levied against businesses seen repeatedly on these ordinance enforcement reports. Mr. Franek, Zoning Officer, advised that the repeat offenders are often newly hired store managers learning the sign regulations for the first time the hard way. Staff makes concessions for the learning curves in these instances.

**COUNCIL/STAFF OTHER MATTERS:**

None.

**COMMITTEE REPORTS:**

**Transportation and Land Use (T/LU) Committee - December 3, 2012:** Interjected during the Hilltop Mobile Home Park discussion, Mr. Klees reported for the benefit of the residents in attendance that the T/LU Committee held a discussion on the Centre Region Comprehensive Plan, which touched upon the recent increase in student housing development in the Region. Although no answer was offered as to why this sudden increase is underway, Mr. Klees reported that a recently read article on the trend shed some light. Mr. Klees

explained that the banks are finding it more desirable to offer financial backing to rental developments, as opposed to backing construction of owner-occupied, single-family homes. The rental market is expanding nationwide. Additionally, changes in student expectations as to what is more desirable in terms of housing accommodations are driving this type of development. This may leave any older, vacated student housing available for consideration as alternative, affordable housing purposes. Mr. Klees suggested that this be a regional goal.

**Joint Meeting Between Centre Region Planning Commission and COG Transportation and Land Use (T/LU) Committee – November 5, 2012:** Mr. Klees reported that this joint meeting was held for the purpose of reviewing municipal comments on the draft Centre Region Comprehensive Plan and the forwarding of its associated Policy to the General Forum.

**Centre County Metropolitan Planning Organization (CCMPO), November 27, 2012:** Mr. Klees reported that the CCMPO invited state representatives to the meeting to discuss additional transportation funding needs; reviewed the Transportation Improvement Program (TIP); received an update on the Highway Transportation bill; and, reviewed CCMPO staffing needs.

**Joint Meeting Between Public Safety (PS) and Public Services and Environmental Committees (PS/E), November 7, 2012:** Dr. Remick reported that the Committees received a brief overview by Mr. S. Kauffman, Centre Region Emergency Management Coordinator, and expressed appreciation for the open communication and free exchange of ideas among the various representatives from utility companies, PennDOT, EMS, and local government.

**Public Services and Environmental (PS/E) Committee, December 5, 2012:** Dr. Remick reported that the PS/E Committee reviewed Veolia Environmental's refuse and recycling contract rates for 2013 and considered how to channel the increased fuel costs, reduction in tipping fees, and the recycling rebate into the customer trash and recycling fee for next year. The Committee decided that for 2013 there would be a customer fee reduction bringing the projected increased monthly fee of \$15.62 per month down to \$15.46 per month for unlimited trash collection. The Committee discussed the draft Environmental Purchasing Guidelines and offered comments.

**ADJOURNMENT:**

Hearing no further matters for discussion, Chair Fryer adjourned the December 6, 2012, College Township Council Regular Meeting at 9:55 PM.

Respectfully submitted,

*Adam T. Brumbaugh*

Adam T. Brumbaugh  
Township Manager/Secretary