

HARRIS TOWNSHIP
BOARD OF SUPERVISORS
Public Hearing
Regular Meeting
Minutes of February 14, 2005

A Public Hearing of the Harris Township Board of Supervisors was called to order on February 14, 2005, at 7:33 p.m. in the Township meeting room by Chairman Nigel Wilson. In attendance were Supervisor Charles Graham, Supervisor Dennis Hameister, Supervisor Chris Lee, and Supervisor Cliff Warner.

Also in attendance were Harris Township Manager Kristin Clark; Todd Shea, Zoning/Ordinance Enforcement Officer; Phyllis Favorite, Staff Assistant; D.J. Liggett, CRPA; Kate Renner and Talitacumi Acevedo, C-NET; Richard Kipp, CATA Representative; Van Winter, Boalsburg Fire Company; Barry Begoumian, Leo Sahakian, John Sepp, and Terry Williams, Sunrise Homes, Inc.

Call To Order

Chairman Wilson led the assembly in the Pledge of Allegiance.

Proposed Ordinance 250 – Sign Ordinance Amendment

Chairman Wilson asked Ms. Clark to speak to the ordinance. She stated that the purpose of the amendment is to allow additional signs to be placed in multi-tenant properties. The current ordinance limits properties to 5 signs regardless of the type of property. In addition, the amendment provides a definition for *Monument Signs*.

Chairman Wilson asked for comment regarding proposed Ordinance 250. None was received.

Proposed Ordinance 251 – Property Maintenance Code Amendment

Chairman Wilson noted that the purpose of the ordinance amendment is to add language to the existing *Rental Housing Code* that will provide guidelines for carbon monoxide detection, and also add a chapter entitled “Fire Codes”. He asked for comment on proposed Ordinance 251. None was received.

Supervisor Hameister moved to adjourn the Public Hearing. Supervisor Lee seconded the motion. The motion to close the Public Hearing was approved unanimously. The Public Hearing was adjourned at 7:36 p.m.

Call to Order

The regular meeting of the Harris Township Board of Supervisors was called to order on February 14, 2005, at 7:36 p.m. in the Township meeting room by Chairman Nigel Wilson.

Approval of Minutes

Supervisor Graham moved to approve the minutes of the Board of Supervisors meeting on January 3, 2005, the Work Session on January 26, and the Public Hearing held on January 26. Supervisor Lee seconded the motion. The motion was approved unanimously.

Public Comments

Chairman Wilson asked for comments regarding items that were not on the agenda. None were received from the audience. Supervisor Hameister was called upon to speak to the recent deaths of Matthew Eckley and Susan Tait.

Supervisor Hameister noted that Mr. Eckley was a 25-year-old firefighter for the Boalsburg Fire Company and the Walker Township Fire Company. He had also served as an EMT in Lewistown, and had recently joined Altoona's Fire Department. Susan Tait was the wife of former Township Supervisor and volunteer John Tait, and had shown great support to him during his years of service to the Township. He extended sympathy to the families for their losses on behalf of Harris Township.

Supervisor Lee announced that there would be a Local Public Issues Forum on February 26, at the State College High School South Building, on the topic *Transportation in Centre County*.

TOWNSHIP BUSINESS

A. Representative Report - CATA

Richard Kipp, Township CATA Representative, presented his written report to the Board. He called attention to the local concern of funding from the state, and noted that the General Assembly would not be able to decide any levels of funding before June. The biggest fiscal concerns within the state are directed toward Philadelphia and Pittsburgh. However, while not as critical, CATA has serious financial concerns. He reported that CATA Director of Administration, Judi Minor, stated they will use up all carryover funds, and will still see a \$300,000.00 deficit.

He also reported that, because Ferguson Township is opposed to changing, and there is a question whether a decision must be unanimous or not, the

allocations would be again based on calculations using the Miller Formula. Supervisor Lee requested that it be communicated to CATA that decisions on funding, service cuts, and the like be communicated to the municipalities in a timely manner during the budget process, so there are no last minute surprises. Mr. Kipp responded that everything is dependent on the state's funding decisions, which may not be until this summer. Ms. Clark noted that there should be some information from CATA by April, as municipalities must adopt a resolution by their June meetings to approve the CATA budget.

B. Rezoning Request – Aikens Lot #3

Ms. Clark called the Board's attention to a letter included in their agenda written on behalf of Sunrise Homes, Inc., requesting rezoning of lot number 3 of the Aikens Subdivision. They asked that either it be rezoned from Agricultural (A) to Two-Family Residential (R-2), or that uses allowed in R-2 be permitted in the Agricultural zoning district as stated in the letter. The lot is adjacent to Bear Meadows Village, on the south side of Route 322. She noted that the past practice has been to refer the request to CRPA and to the Planning Commission. The group will give a presentation to the PC at its February 22 meeting, and then the information will be forwarded to CRPA. Once CRPA and the PC make all the reviews and recommendations, the Board should be able to look at the material for a decision by April.

Supervisor Graham moved to refer the Aikens Lot 3 rezoning request to CRPA and the Planning Commission for review and comment. Supervisor Warner seconded the motion. Mr. Shea reminded Mr. Williams that PennDOT might require funding for the upcoming road-widening project on Route 322 if the request is approved. The motion was approved unanimously.

C. Ordinance 250 – Sign Ordinance Amendment

Chairman Wilson noted the hearing for proposed Ordinance 250 was held earlier in the session. Supervisor Warner moved to approve Ordinance 250, *Sign Ordinance Amendment*. Supervisor Lee seconded the motion. The motion was approved unanimously.

D. Ordinance 251 – Property Maintenance Code Amendment

Supervisor Warner moved to approve Ordinance 251, *Property Maintenance Code Amendment*. Supervisor Lee seconded the motion. Ms. Clark noted that these amendments do not change what has already been adopted, but add language requiring carbon monoxide detection for rental apartments, and adds a chapter to the Code entitled *Fire Code*. She reminded the Board that the Fire Codes were already adopted with the ICC Codes, but that it was recommended by

Greg Mussi to be a part of the Rental Housing section. The motion was approved unanimously.

E. Draft Parkland Ordinance Amendments

Ms. Clark recapped the draft Parkland Ordinance Amendments the Planning Commission worked on as part of their work program for 2004. The amendments have been reviewed and adapted over the past several months, and both the PC and the Parks and Recreation Advisory Committee (PRAC) voted unanimously to send them to the Board for consideration and adoption. The amendments repeal and replace the current Parkland Dedication/Fee-In-Lieu ordinance, and increases the amount of land required, as well as the fee-in-lieu paid by a developer. She noted there is no specific fee stated, so it can be amended by resolution. Also, the second section deals with those properties subject to rural clustering regulation, and the final section refers to Planned Residential Developments (PRD).

Supervisor Lee questioned the definition and use of the terms “appropriate” and “logical” for parkland design as vague terms that developers could challenge. Ms. Clark responded they were general terms, and each situation is addressed uniquely. Mr. Shea added that the Township Engineer reviews all plans, and evaluates whether they meet grades and so forth.

Supervisor Warner advised that, while it is not formally adopted through COG, the CRPR has an internal policy to not accept municipal parks for upkeep of less than 4 acres. Ms. Liggett noted that CRPR is looking at some criteria to give to municipalities to state what they are basing their positions on. She added that the PC believed it was important in making these recommended amendments to provide flexibility.

Supervisor Graham moved to set a Public Hearing for the Parkland Ordinance Amendments at the March 14 regular Board of Supervisors meeting. Supervisor Warner seconded the motion. The motion was approved unanimously.

F. Review of College Township Official Map

Ms. Clark and Ms. Liggett displayed the proposed College Township Official Map, showing the contiguous areas with Harris Township. Ms. Clark informed the Board that this is a part of the Official Map process, in that all municipalities bordering a proposed OM must review, express concerns, and give comment to the municipality considering adoption.

Ms. Clark pointed out those areas of interest to the Township, and noted that there are features on College Township’s OM that are complimentary to what Harris Township is proposing to date on its draft Official Map. She called the Board’s attention to the fact that College has rezoned the Lowder tract, and that

traffic will be emptying onto Brandywine Drive on its way to Warner Boulevard, greatly adding to the amount of traffic already in that area.

Supervisor Hameister recommended continuing the Spicer tract bikeway to Linden Hall Road, then continuing from there as part of the Governor's "Bikeway PA" System. Ms. Clark reminded the Supervisors that development of items on an official map is triggered by land development, and bike and pedestrian planning should be separate, as many times recommended improvements are not on private property, but on either PennDOT or Township rights-of-way.

In all, she said the Map does not conflict with what Harris Township is drafting, and that the Planning Commission has expressed its support. She stated she would forward a letter with a summary of the Board's comments to College Township.

G. Resolution 05-03 – Appointment of Auditing Firm

Supervisor Graham moved to adopt Resolution 05-03, authorizing the firm of Parente Randolph to complete the Township audit for fiscal year 2004. Supervisor Hameister seconded the motion. The motion was approved unanimously.

H. Resolution 05-04 – Extension of Adelphia Franchise

Ms. Clark noted that the Centre Area Cable Consortium (CACC) requested that all municipalities enact a resolution to have their franchises expire on June 30, 2005. This will have all contracts expiring on the same date, and allow negotiations with Adelphia to proceed uniformly.

Supervisor Lee moved to adopt Resolution 05-04, extending the cable franchise agreement with Adelphia until June 30, 2005. Supervisor Warner seconded the motion. The motion was approved unanimously.

I. Resolution 05-05 - Cooperative Purchasing Program

Supervisor Graham moved to adopt Resolution 05-05, agreeing to participate in the Central Westmoreland Council of Governments (CWCOG) cooperative purchasing program. Supervisor Warner seconded the motion. The motion was approved unanimously.

J. Intersection of Church Street/Rockey Alley

Ms. Clark brought to the Supervisors' attention a letter from a resident requesting that the Township consider posting Church Street in the vicinity of

Rockey Alley as “No Parking”. She advised that the Board would need to add signs and properly enforce this via resolution. Supervisor Hameister stated that the intersection of Pine and Church streets should also be evaluated. Ms. Clark reminded the Board that they had looked at a no parking area from the stop sign 25 feet back, and that both the Township Engineer and the State College Police Department had recommended enforcing no parking with signs. However, the Board had declined to enact the recommendations at that time.

Supervisor Hameister moved to direct staff to study the intersection of Church Street and Rockey Alley, and Church Street and Pine Street, and proceed with drafting a “No Parking” ordinance on Church Street. Supervisor Warner seconded the motion. The motion was approved unanimously.

Supervisor Graham suggested that parking spots in the Village be marked with lines, particularly at businesses on the Diamond. Ms. Clark said she would look into the matter.

K. Township Logo

Ms. Clark referred to the logo suggestions previously distributed in the Board agenda, and asked the Supervisors for their comment. Specific discussion centered on viewing a draft that would include the “old pine tree” of Boalsburg.

General discussion ensued, and Ms. Clark said she would ask Kevin Witherite, who is designing the logo ideas, to make more drafts to present to the Board.

L. Beneficial Reuse Report

Supervisor Hameister, representative and chairman of the COG Public Services Committee, presented a draft Beneficial Reuse report. Comments to the COG Executive Director from municipalities are needed by March 2.

There are two areas of current focus: how the water generated through the UAJA beneficial reuse project should be directed, and what entity should locate customers for the reuse water. He expressed concern that, while they are willing to publicize the project, the involvement of the CBICC has been halfhearted, although it might become more involved should funds become available to develop a marketing plan. There will be three (or four) phases to the project, with a cost estimate of over \$70,000,000.00, and the first phase – even though there are no current customers – will be ready May 2005. There is still question about the exact routing of the phases, as well.

The Supervisors stated they had no comments on the report at this time.

M. Draft Noise Ordinance

Ms. Clark reported that Staff has been working on a draft Noise Ordinance as requested by the Board, and that guidance is needed by from them, as there are two approaches that could be taken. The first is to set certain times, restricting both private citizens and commercial entities, thus avoiding separate regulations that could be open to court challenge, and providing a minimalist approach. The second is to adopt regulations similar to surrounding municipalities, which tend to be lengthy, are complicated to adapt to the Township, and more difficult for the enforcement officer to interpret and administer suitably. She noted that areas such as noise are covered in the state's crime code under disorderly conduct. She recommended against a lengthy noise ordinance, and suggested a draft Noise Ordinance referring to the state's crime code could be developed. She suggested she could research it to make certain it remains simple.

Chairman Wilson suggested the restrictions on hours for construction noise could be made as part of the region's building codes and securing a permit. Ms. Clark said she would investigate the possibilities with Greg Mussi, Codes Director.

N. Appointment of Township Representatives

Supervisor Hameister moved to appoint Lewis Jillings to the C-NET Board of Directors, term ending December 31, 2005; Kevin Maxfield to the Shade Tree Commission, term ending December 31, 2005; and Supervisor Cliff Warner to the COG Codes Committee. Supervisor Warner seconded the motion. The motion was approved unanimously.

MANAGER'S REPORT

Ms. Clark presented her written report.

APPROVAL OF VOUCHER SHEET 2005-2

Supervisor Lee moved to approve Voucher Sheet 2005 -2, for a total expenditure of \$244,947.22. Supervisor Hameister seconded the motion. The motion to approve Voucher Sheet 2005-2 was approved unanimously.

COG/COMMITTEE REPORTS

Executive Committee:

Mr. Wilson reported the Committee reorganized, and decided meeting times. The Committee addressed the recommendations made for Alpha Fire chief and assistants,

and reviewed the Aquatics Feasibility Study. It was the consensus of the Committee to recommend that the General Forum discuss the draft letter to the Governor voicing concerns of the municipalities regarding the use of state funds for a private landfill in Rush Township.

Personnel Committee:

Mr. Wilson reported that the Committee reorganized, and he will again serve as chairman. The Committee addressed the wage and benefits survey, as well as the COG Executive Director's performance evaluation.

Finance Committee:

Mr. Graham is again chairman. The Committee addressed CATA funding and, while there could be fare increases, they want CATA to cut costs first. Also discussed was CCMPO and C-NET funding.

Public Services Committee:

Report previously given. Mr. Hameister noted also that COG is looking at the possibility of hiring a full-time Fire Chief for the Alphas.

Spring Creek Watershed Commission:

Report distributed with agenda

Code Committee:

Meeting canceled

Transportation Committee:

Report distributed with agenda

Ad Hoc Regional Parks & Recreation Committee

Mr. Warner reported there is still an ownership issue with the Oak Hall Park, and it will be sent to the solicitor. There is also a question of acquiring funding, and it was suggested meeting with groups in the private sector.

Highway Study Group:

Report distributed with agenda.

Executive Session

The Board recessed at 10:20 p.m. for an Executive Session to conduct a performance evaluation for the Township Manager.

ADJOURNMENT

Chairman Wilson reconvened the meeting at 10:37 p.m. Supervisor Hameister moved to adjourn the meeting at 10:38 p.m. Supervisor Warner seconded the motion. The motion was approved unanimously.

Submitted by,

Kristin L. Clark, Township Secretary