

**ATTENDANCE:**

BOARD	Elliot Abrams, Chair George Downsborough, Jr. Walt Wise, Supervisor
STAFF	Doug Erickson, Township Manager Kim Wyatt, Finance Director Brent Brubaker, Township Engineer John Petrick, Chief of Police Betsy Dupuis, Solicitor Eric Vorwald, CRPA Trish Meek, CRPA
ABSENT	Bryce Boyer, Vice-Chair Jeff Luck, Supervisor
AUDIENCE	C-NET (2) Michael Rybacki, Pleasant Gap Resident Brad Chovit, Resident Tom Songer, Torren Group Matt Carrol, CDT Michael Lee, Developer Greg Copenhaver, Realtor Mark Wilson, Wilson Consulting Group

**1. CALL TO ORDER**

The March 12, 2014 Patton Township Board of Supervisors meeting held at the Township Municipal Building was called to order at 7:00 PM by Chair Elliot Abrams.

**2. APPROVAL OF MINUTES**

Mr. Wise moved to approve the February 12, 2014 meeting minutes with Mr. Downsborough's suggested minor amendments. Seconded by Mr. Downsborough, the motion passed 3-0.

**3. PUBLIC COMMENTS**

Mr. Rybacki informed the Board about a \$5 million energy prize competition, sponsored by Georgetown University, that is open to all communities in the United States that have between 5,000 and 250,000 people in which all competitors will receive up to 3 years of sponsored counseling and will be challenged to work together with their local governments to begin developing plans to reduce per capita utility energy consumption by increasing conservation and efficiency. He stated that entry begins with a non-binding letter of intent and, from what he understands, COG will draft a letter of intent and present it to the Executive Committee on March 18<sup>th</sup>. Then finalize recommendations will be presented on March 24<sup>th</sup> to the General Forum and if approved it will be submitted on March 25<sup>th</sup>. He stated that if Georgetown University accepts letter of intent the formal application is due April 30<sup>th</sup>. He stated that the website for the competition is [www.guep.org](http://www.guep.org) and feels this competition will benefit Patton Township.

4. **PUBLIC SAFETY**

a. **Police Update**

Chief Petrick stated that the 2013 Year End Report was included with the agenda materials and that the department ended the year with 18 officers, 2 police secretaries and 3 detectives in which one detective works closely with Attorney General's Office Bureau of Narcotic Investigations and pulled 17 new cases resulting in 11 individuals being arrested. He stated that the department continues to attend training and continues to work with the Centre County Alcohol Task Force and the County Drug Task Force along with the Tactical Response Team. He added the department received funding from the Buckle Up Aggressive Driving Enforcement in which 3 details were held in 2013 resulting in 374 citations being issued. He stated that the department has one certified truck inspector who conducted 43 level 1 inspections, 30 level 3 inspections which resulted in several trucks taken out of service due to violations. He stated that several officers are certified Child Safety Seat Inspectors. He stated that Officer Snyder spends half of his time related to Community Relations and Crime Preventions along with working with the Junior Police Academy and Camp Cadet Program. He stated that there was a slight increase of 5% in total crimes due to retail thefts and a decrease in DUI arrests.

Mr. Wise asked where truck inspections are completed. Chief Petrick answered on Atherton Street or if helping out State Police on I-99 at the Waddle Road interchange.

5. **PUBLIC WORKS**

a. **Circleville Road Bikeway**

Mr. Brubaker stated that the project consultant, Mark Wilson, P.E., of the Wilson Consulting Group, and the Public Works Director will provide an update on the design for the proposed Circleville Road Bikeway. The presentation will also cover right-of-way needs, cost estimates and potential phasing for the project. The Preliminary Engineering drawings were included in the agenda materials.

During the course of the Preliminary Design Phase issues have arisen that are outside of the scope of the original consultant agreement. These issues include a need for additional right-of-way along Scotia Road, designation of Spade Foot Toad habitat along the route and required mitigation, and the need to phase the project due to current funding limitations. A copy of a Supplement 1 proposal was included with the agenda material. The Public Works Director recommends acceptance of the Supplement 1 proposal.

Mr. Wilson stated that the project is in final design right now with the bikeway being a 10 feet wide paved surface with 2 feet shoulder which included more than a 5 feet buffer between the path and the roadway. He stated they are working through some environmental issues with the project with PennDot in which a designated pathway for the spade foot toad had to be added.

Mr. Downsborough moved to approve Supplement 1 for a not-to-exceed amount of \$8,700.00. Seconded by Mr. Wise, the motion passed 3-0.

6. **PLANNING & ZONING**

a. **Planning Commission Report**

Ms. Bressler stated that the Planning Commission recommended approval of the temporary use permit for the North Atherton Farmer's Market at Home Depot and tabled the "fire hydrants in cul-de-sac regulations" until it was discussed in further detail at the work session. She stated that the Sketch Plan for the Timberton Estates Walking Trails Modifications was discussed which Mr. Songer. She stated that the Planning Commission has the opportunity to select some training in the coming months.

b. **Request to Add Indoor Recreation as a Permitted Use in the Planned Airport District**

Mr. Erickson stated that a party has expressed some interest in the vacant property at the intersection of Fox Hill Road and Bernel Road (the former Second Mile parcel) in the Planned Airport District (PAD) with the hopes of constructing a commercial indoor recreation complex that would serve a wide variety of youth and adult sports.

The regulation of land uses in the PAD varies from other zoning districts in the Township. Instead of permitting the entire general class of commercial or industrial uses, the PAD permits specific types of these uses, and in some cases prohibits specific uses. Since the inception of the District in 1991, the use regulations in the PAD have been interpreted to mean that only the uses specifically listed on the "Land Uses Permitted" table for the PAD are allowed. If a proposed use (like indoor recreation) cannot be found on the list, the Zoning Officer would deem it as a non-permitted use. Recall also that uses are usually permitted in some sub-districts in the PAD and prohibited in others.

This has led to prior requests to amend the use regulations. In 2004 "Day Care Centers" was added to the Land Uses Permitted table; in 2008 "Youth Development and Activity Center" was added to the same table. A copy of the "Land Uses Permitted in the Planned Airport District" table was included with the agenda materials.

A letter requesting consideration of this request, from Mr. Michael J. Lee, was also included with the agenda materials. Mr. Lee briefly outlines some of the proposed facilities that might be developed.

Following discussion the Board should consider one of the following actions:

- Refer the matter to the Planning Commission for study and a recommendation.
- Cease consideration of the matter by motion.
- Cease consideration of the matter by lack of a motion.

Mr. Lee stated that he is in the planning stages of an indoor sports facility and looking at areas for possible sites and is interested in the former proposed Second Mile site but it is not a permitted use for the site.

Mr. Downsborough moved to refer the Request to add Indoor Recreation as a Permitted Use in the Planned Airport District to the Planning Commission for study and recommendation. Seconded by Mr. Wise, the motion passed 3-0.

6. **PLANNING & ZONING**

c. **Planning Commission Recommendations**

The Planning Commission will meet on March 10, 2014 (rescheduled from March 3<sup>rd</sup>.) The March 10 meeting agenda is included with these agenda materials. The Planning Commission is expected to provide recommendations on the following items: Recommendations from the March 10 Planning Commission meeting are included with the agenda materials.

i. **Sketch Plan Timberton Estates– Walking Trail Modification**

Mr. Erickson stated that the following information was included in the March 10 Planning Commission Agenda:

The Timberton Estates Homeowner Association, Inc., (HOA) has prepared a sketch plan that proposes modifications to the previously approved Timberton Estates Final Subdivision Plan. The modification proposes to eliminate the walking trail from the approved plan and to revise

Plan Note 2d. Plan Note 2d stipulates that: *“Parkland Requirement: 1 acre. The Developer will open the walking trail network for public access to meet the parkland requirement.”* The HOA’s proposal would modify note 2d to read as follows: *“The Open Space (herein defined as 18.804 acres) may be used by the lot owners of Timberton Estates for their enjoyment as long as the use is allowed by Township Ordinances and is also in conformance with the By Laws of the Timberton Estates Homeowners Association, Inc. and the Declaration of Restrictions, Covenants, Reservations, and Easements for Timberton Estates.”*

In consideration of the above described modifications, the Timberton Estates HOA proposes to pay a fee in lieu of parkland in the amount of \$10,000 to Patton Township over a period of three (3) years.

Chapter 153-34.1.N of the Subdivision and Land Development Regulations for Rural Preservation states: “Pedestrian circulation in the form of developed trails or informal paths shall be provided throughout the tract. These trails shall have the ability to establish a system so that the future linkages can be made. If the trails are designated for public use, they may be applied toward the parkland requirement and must be noted on the record plan accordingly.”

The Timberton Estates HOA will be requesting a waiver from the walking trail requirement and to provide a fee in lieu of parkland to account for their 1-acre parkland requirement.

Note that no official action may be taken on a Sketch Plan. The opportunity to present sketch plans is provided to permit developers to introduce projects, receive initial feedback from the Township on plan features, and explore alternatives. The Developer is asked to consider the comments provided and incorporate them, as appropriate, into a final submission. Comments provided by the Planning Commission will be forwarded to the Board of Supervisors.

The agenda packet included a location map, a draft Memo of Understanding (MOU) between Timberton Estates HOA and Patton Township, and a sketch plan of the modifications.

6. **PLANNING & ZONING (CONTINUED)**

c. **Planning Commission Recommendations (CONTINUED)**

i. **Sketch Plan Timberton Estates– Walking Trail Modification (CONTINUED)**

Mr. Erickson distributed a memo with the following summary of the Planning Commission's review of the sketch plan:

Following a presentation from Tom Songer and clarification of subdivision requirements for open space, walking trails and parkland, individual Commissioners offer the following comments:

One member acknowledge that having a public path at the rear of homes did create a security issue for the residents.

One member stated that Timberton Estates is an isolated development and there were very few opportunities to connect to other A-1 developments.

The four members of the Commission in attendance seemed to offer a general concurrence with the proposal.

Mr. Songer stated that since the Township has built Bernel Park the residents of Timberton Estates have been using that and the residents are wondering if the walking trail is even really needed. He stated that HOA is concerned with security because of the location of the trail running behind the residents' homes and asked if the walking trail could be removed and in consideration of the modifications, the HOA will pay a fee in lieu of parkland in the amount of \$10,000 to Patton Township over a 3 year period.

Mr. Wise stated that he has reservations about getting rid of the trail but no problem with paying for the park land.

Mr. Downsborough stated that he feels that if we are trying to recreate an amenity like this than \$10,000 might not be enough money and that he has reservations of shifting the maintenance costs to all the Township residents instead of the residents of the Timberton HOA. He stated that the walking trail could possibly connect to future walking trails.

Mr. Songer stated that the HOA does not expect the Township to build another park in lieu of this trail and that there are two public right-of-way interconnections in the Timberton Estates that could be connected to future roads or walkways.

Mr. Downsborough stated that he is having trouble supporting the proposal and if there was an alternate public amenity he would be more incline to support the proposal.

Mr. Erickson stated that there was a requirement for the developer to provide one acre of park land or offer to pay an in-lieu fee or open the walking trail to public use.

Mr. Abrams stated that he feels that this has happened before with other developments

6. **PLANNING & ZONING (CONTINUED)**

c. **Planning Commission Recommendations (CONTINUED)**

i. **Sketch Plan Timberton Estates– Walking Trail Modification (CONTINUED)**

Mr. Chovit stated that the HOA has talked about this for the past 4 years and that it is not being used since the residents use Bernel Road Park instead. He stated that the HOA looked at the fee in lieu for the Township could use for Bernel Road Park for future development.

Mr. Abrams asked if any idea how much maintenance would cost. Mr. Chovit stated an estimate that HOA received was \$750/year to maintain it.

Mr. Chovit stated that Timberton Estates was developed before Bernel Road Park was developed.

Mr. Erickson asked Mr. Songer to come back at the March 26<sup>th</sup> or April 9<sup>th</sup> meeting to discuss this with the other two Board Members present.

ii. **Proposed Fire Hydrant Spacing On Cul-De-Sacs**

Mr. Erickson stated that the following information was included in the March 10 Planning Commission Agenda:

At the February 3, 2014 work session the Planning Commission considered reducing the maximum spacing between fire hydrants on cul-de-sacs from 500 feet to 400 feet as requested by the Board of Supervisors. The request was made after reviewing footnote a. of Table C105.1 of the 2009 IFC which reduces the maximum spacing between fire hydrants for dead end streets by 100 feet.

Steve Bair, CRCOG Fire Director, was present and spoke to the procedure he uses to calculate fire flow requirements for developments. He also provided insight into the challenges of rural fire fighting and to the problems of fighting fires along cul-de-sac streets.

The Planning Commission should consider whether to maintain the original recommendation of 500 foot maximum spacing or reduce their recommendation to 400 foot as indicated in footnote a. of Table C105.1 of the 2009 IFC.

The agenda packet included a copy of Table C105.1 of the 2009 IFC.

Mr. Erickson stated that the Planning Commission has no recommendations yet but once recommendations are received he will ask Mr. Bair to attend a Board of Supervisor Meeting.

7. **ADMINISTRATION**

a. **Rental Housing Records Review**

Mr. Erickson stated that a staff discussion concerning the total number of rental units in the Township lead to a review of rental housing permit records against the property tax roles. This comparison of public data bases found approximately 450 dwellings that list an alternate address for the owner, rather than the address of the dwelling itself. This may occur for a variety of valid reasons – it may be a second home, it may be occupied by close relatives of the owner, or the unit is vacant or on the market.

However, if the unit is being leased or rented and does not have a rental housing permit, the unit is in violation of the Centre Region Building Safety and Property Maintenance Code. The requirement to obtain a rental housing permit has been in place since 1968. Currently there are 3,261 permitted rental housing units in the Township.

Staff proposes to begin a process of inquiring with property owners and reminding them of the requirement to have rental housing permits. Each month, staff would mail out 50 inquires such as included in the agenda materials. Staff has already done a first review of the list and removed properties that are vacant or known to be owner-occupied.

After discussion, the Board should provide direction to the Manager on continuing in this effort.

Mr. Downsborough asked what staff will do if only get 50% response. Mr. Erickson answered will sent a second notice.

The Board agreed with the Manager to continue the proposed program.

b. **PSATS Bylaw Changes**

Mr. Erickson stated that the Pennsylvania State Association of Township Supervisors is proposing the following Bylaw changes:

- Increase dues by 4% for 2015
- Technical amendments to Articles III, VII and VIII
- Section 5 (Resolutions) of Article III is amended to clarify the resolution process
- Incorporating the Grass Roots Lobbying Network into Article III (Membership) to replace the Legislative Committee
- The Publications-Public Relations Committee would become the Committee on Communications, Media and Technology
- The Land Use and Growth Management Standing Committee would be removed as a standing committee

The Board should provide guidance to the voting delegate, Mr. Boyer. The agenda materials included information provided by PSATS.

7. **ADMINISTRATION (CONTINUED)**

c. **ABC Appointments**

The ABC Committee is reviewing applications for the following vacancies:

- Recreation Advisory Committee (2)
- Sign Review Board (1 full term, 1 partial term)
- Zoning Hearing Board Alternate (1 partial term)

Mr. Downsborough stated that the Committee has interviewed Barry Bram for one of the available positions on the Recreation Advisory Committee.

Mr. Downsborough moved to appoint Mr. Bram. Seconded by Mr. Abrams, the motion passed 3-0.

d. **Amended Agreement for Compressed Natural Gas (CNG) Vehicle Grant**

Mr. Erickson stated that the Department of Environmental Protection have provided an updated agreement for the Alternative Fuel Incentive Grant program, which awarded Patton Township a grant of \$6,175 to upfit a new pickup for bi-fuel use. The grant was applied for cooperatively with Centre County, CATA and Ferguson Township. Delivery of the truck is expected in late May.

The revised agreement is included with the agenda materials. The Board should consider action to approve the agreement and authorize the Chair to sign the agreement.

Mr. Downsborough moved to approve the Amended Agreement for Compressed Natural Gas (CNG) Vehicle Grant. Seconded by Mr. Wise, the motion passed 3-0.

8. **CONSENT AGENDA**

The items included below are routine in nature and it is not anticipated that any will generate discussion or questions. The actual Consent Agenda with a brief description of each item is included with the agenda packet materials distributed to the Board and will also be available to the public at the sign-in table. At the request of a Board member any single item or all items on the Consent Agenda can be discussed and voted on separately. If no items are "pulled," the Board should consider a motion for "approval of the Consent Agenda items as shown on the agenda."

a. **Planning and Zoning**

1) **Temporary Use Permit: Temporary Use: North Atherton Farmers Market**

The following information was provided in the March 10 Planning Commission Agenda: The Township has received a request from the North Atherton Farmer's Market to operate a farmer's market on the premises of the Home Depot located in Patton Township. The event is the same as has been conducted each of the past three years in the same location. It is proposed that the market will be open every Saturday from May 10, 2014 through November 8, 2014, between the hours of 10:00am and 2:00pm.

The market will be situated in the southeast corner of the Home Depot parking lot. Tents ranging in size from 10 x 10 ft. to approximately 10 x 20 ft. will be arranged so as to not allow vehicles to circulate in the tent area, but the tents will not block any fire lane. There is no additional parking proposed for the market and the location of the site will not impede access patterns. Lighting is not proposed.

8. **CONSENT AGENDA (CONTINUED)**

a. **Planning and Zoning**

1) **Temporary Use Permit: Temporary Use: North Atherton Farmers Market (CONTINUED)**

Enclosed with this evening's agenda is a location map and a request for a temporary use permit. It needs to be noted that a letter from the Property Owner and Home Depot has not yet been received.

**Recommendation**

Having reviewed the materials provided by the applicant, staff recommends approval of the Temporary Use Permit with the condition that the letters from Home Depot and the Property Owner must be received prior to the start-up the Farmer's Market.

Mr. Erickson distributed a memo noting the Planning Commission recommends approval of the Temporary Use Permit.

b. **Administration**

2) **Voucher Report**

A copy of the February 2014 Voucher Report is enclosed. Board members having questions should contact the Township office prior to the meeting so the necessary information can be obtained.

**It is recommended that the Board approve the February 2014 Voucher Report.**

Mr. Wise moved to approve the Consent Agenda. Seconded by Mr. Downsborough, the motion passed 3-0.

9. **MANAGER'S REPORT**

1. **Development Update**

Mr. Erickson stated that the update was included with the agenda materials.

2. **Open Space Survey Update**

Mr. Erickson stated that the Open Space Survey will be opened on March 17th and post cards will be mailed out to residents. He also stated that paper copies of the survey are available.

3. **Patton Township Spring Newsletter**

Mr. Erickson stated that the newsletter should be mailed out in the next day or two.

4. **CERT Training**

Mr. Erickson stated that CERT (Community Emergency Response Team) Training is available to residents March 27<sup>th</sup> thru March 29<sup>th</sup> to help prepare residents for emergency situations. He stated that residents can sign up for CERT Training by using the COG website.

5. **Information Session on A-1 Conditional Uses**

Mr. Erickson stated that information was sent out a couple weeks ago to residents in regards to the A-1 Conditional Uses and there will be an information session on March 17<sup>th</sup> at 4pm. He stated he will update the Board about the session at the next meeting.

9. **MANAGER'S REPORT (CONTINUED)**

6. **Upcoming Meetings**

Mr. Erickson stated that there will be a Public Meeting being held on March 13<sup>th</sup> in regards to SR322 Potter Mills Gap Project at the Potter Township Building.

He stated that there is a meeting scheduled between DEP, UAJA and Centre Region Planning about the Slab Cabin Run issue on March 24<sup>th</sup> at 1pm at UAJA.

10. **COMMITTEE REPORTS**

Mr. Downsborough stated that Human Resources was cancelled.

Mr. Abrams stated that Executive Committee has not met yet.

Mr. Erickson stated that he will report for Mr. Boyer for the Public Services and Environmental. He stated that Mr. Rybacki gave a presentation about the Georgetown University Energy Project and that the committee is discussing the new refuse contract that is going out to bid. He stated that the Centre Region Refuse and Recycling asked COG to be the designated recycler for the region and is asking for a long term contract.

Mr. Wise stated that Public Safety discussed how Bellefonte Borough is looking for someone to do their code work for rental housing and new construction and discussed how do to deal with permits in the Borough when COG will send out applications, take money and give licenses but all the information is entered on the Borough system instead of the COG system.

11. **OTHER BUSINESS**

There was no other business.

12. **ADJOURNMENT**

There being no further business, by Mr. Wise's motion and Mr. Downsborough's second, the meeting was adjourned at 8:45 PM.

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Douglas J. Erickson, Township Secretary