

ATTENDANCE:

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| BOARD | Elliot Abrams, Chair Bryce Boyer, Vice-Chair George Downsborough, Jr., Supervisor Jeff Luck, Supervisor 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 |
| AUDIENCE | C-NET (2) James O'Connor, G.O.H. Recycling Center Brad Chovit, Resident Tom Songer, Timberton Home Owners Association |

1. CALL TO ORDER

The March 26, 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. Downsborough moved to approve the March 12, 2014 meeting minutes. Seconded by Mr. Wise, the motion passed 3-0-2.

3. PUBLIC COMMENTS

There were no public comments.

4. PUBLIC HEARING: Proposed Rezoning to I-1 (Industrial) for a Portion of the NR-2 (Natural Resource and Recycling) Zone

Mr. Erickson stated that the NR-2 District is a single 73.5 acre parcel also known as the Old Borough Dump and owned by State College Borough. The parcel is bounded by I-99, the Colonnade, the Otto's/Fairfield Inn site and Hawbaker Industrial Park. For many years the Borough has operated a leaf composting operation on the parcel where we take the leaves collected in Patton Township for processing. Under the parcel's former designation as NR-1 (Natural Resources District.) the composting operation was a legal but non- conforming use.

In 2006 the Township developed a new zoning district, NR-2, and rezoned this parcel. The proposal was made to address the following issues (from the July 2006 meeting minutes):

- To align our zoning regulations with the present and continuing use of a portion of the property for composting municipally collected leaves.
- To provide an opportunity for using a portion of the property for an additional recycling activity, namely converting waste concrete and asphalt into a usable gravel or aggregate product.

In 2008 the Borough of State College entered into an agreement with Glenn O. Hawbaker, Inc. (GOH), to operate a construction debris (e.g. waste concrete, asphalt and masonry) recycling center and in 2009 the Township amended the NR-2 regulations to accommodate such a use by reducing the open

4. **PUBLIC HEARING: Proposed Rezoning to I-1 (Industrial) for a Portion of the NR-2 (Natural Resource and Recycling) Zone (CONTINUED)**

space requirement from 70% to 60%. The land development plan for the Hawbaker Recycling Center was also approved by the Township in 2009.

In November of 2013, Glenn O. Hawbaker, Inc., with the concurrence of State College Borough, requested that the Township consider an amendment to the NR-2 District to allow for exterior storage. Approximately 3.5 acres that had been designated for recycling operations in the NR-2 District would be utilized for an equipment storage area for Best Line Equipment which operates in the Hawbaker Industrial Park immediately adjacent to the area proposed for the new use. After discussion with Patton Township staff, it was determined that a rezoning of the 3.5 acres from NR-2 to I-1 (Industrial) would be more appropriate to accommodate the equipment storage instead of amending the NR-2 District. Currently, the property along Hawbaker Industrial Drive is zoned I-1.

This item was initially presented at the January 6, 2014 Board of Supervisors meeting and was referred to the Planning Commission for review and consideration.

The agenda materials include a letter from Glenn O. Hawbaker, Inc. requesting consideration to amend the NR-2 Zoning District, the Rezoning Analysis prepared by the Centre Regional Planning Agency to consider changing the zoning from NR-2 to I-1, and comments provided by the Centre Regional Planning Commission and the Centre County Office of Planning and Community Development.

The Planning Commission reviewed the request at their January 13th and February 3rd meetings. The Planning Commission recommends changing the zoning to I-1 from NR-2 for the 3.5 acres as recommended in the Rezoning Analysis and to include the portion of property between the Best Line property and the 3.5 acre area outlined in black and white in the Analysis.

a. **Public Hearing**

The Board of Supervisors convened the Proposed Rezoning to I-1 for a Portion of the NR-2 Zone Public Hearing at 7:07 PM.

On a motion from Mr. Luck and seconded by Mr. Boyer, the Board of Supervisors closed the Public Hearing at 7:08 PM with a vote of 5-0.

b. **Action Consideration**

Mr. Abrams asked if we should be concerned about contaminants underneath and whether one of these actions would cause more to be released or not to be released. Mr. Erickson stated that he does not think it will be impacted either way and that the water quality has not been affected at the monitoring wells on the property even with all the GOH recycling activity.

Mr. Boyer moved to approve the Rezoning to I-1 for a Portion of the NR-2 Zone. Seconded by Mr. Downsborough, the motion passed 5-0.

5. **PUBLIC SAFETY**

a. **Police Update**

Chief Petrick stated that the February 2014 Public Safety Report was included in the agenda materials and that there was significant amount of training during the month of February. He stated that the department is in the beginning phase of the next aggressive driving campaign which started on Monday. He stated that yesterday a Centre County jury found an individual guilty of 17 accounts of assault related to officers arising from a domestic dispute incident in September in Ferguson Township in which the individual pointed a firearm at a Ferguson and Patton Township Officers.

5. **PUBLIC SAFETY (CONTINUED)**

a. **Police Update (CONTINUED)**

He stated that Sergeant Albright and Officer Shaffer helped subdue the individual and that both should be commended along with Officer Chamberlin from Ferguson Township.

b. **Patrol Car Purchase**

Chief Petrick stated that as programmed in the 2014 Budget, he recommends the replacement of two patrol cars with 2014 Dodge Chargers to be purchased through the state's cooperative purchasing program, COSTARS, from New Holland Auto Group, New Holland, Pennsylvania, for a cost of \$25,052.00 each and a total cost of \$50,104.00. A memo from the Chief was included in the agenda materials.

Mr. Luck moved to approve the Patrol Car Purchase. Seconded by Mr. Boyer, the motion passed 5-0.

6. **PUBLIC WORKS**

a. **Circleville Road Bikeway**

1) **Transportation Alternative Program Grant Application**

Mr. Erickson stated that as discussed at the March 12 meeting, Phase 2 of the subject project, from the intersection of Circleville Road and Scotia Road to the intersection of Scotia Road and Gray's Woods Boulevard is currently unfunded.

The Public Works staff has completed a grant application to the Pennsylvania Department of Transportation (PennDOT) for the Transportation Alternatives Program for funding construction of Phase 2 in the amount of \$332,120.

Mr. Luck moved to approve the proposed Resolution 2014-003 Approving Submission of the Transportation Alternative Program Grant. Seconded by Mr. Boyer, the motion passed 5-0.

Mr. Luck asked about rerouting the bikeway in phase two behind the retention pond and if it would that be something that could be done without impacting the submission. Mr. Erickson answered that he will have consultant look into it.

2) **Consistency Letter**

Mr. Erickson stated that PennDOT requires that the Township submit a letter, draft included in the agenda materials, stating the proposed bikeway will not detract from the recreational benefits of Circleville Park.

Mr. Boyer moved to approve the Consistency Letter. Seconded by Mr. Luck, the motion passed 5-0.

6. **PUBLIC WORKS (CONTINUED)**

a. **Circleville Road Bikeway (CONTINUED)**

3) **Wetland Decision and Additional Work**

Mr. Erickson stated that the state Department of Environmental Protection (DEP) has informed the Township that we will need to relocate a portion of the proposed bikeway to avoid impacting an Exceptional Value Wetland. This decision is in contrast to an earlier determination we received from Fish and Boat Commission personnel. While the Fish and Boat Commission has jurisdiction over amphibians (i.e. the eastern spadefoot toad), DEP has ultimate jurisdiction over wetlands. A letter, included with the agenda materials, from the Project Manager provides additional information.

This decision will require additional work by the project consultant to gather survey data and re-design approximately 500 feet of the bikeway. The consultant, Wilson Consulting Group, has estimated the cost of the additional work at \$4,800. A draft map of the relocation was included with the agenda materials along with a Field Report from Department of Environmental Protection.

Mr. Luck moved to approve Supplement 2 to the agreement for the not-to-exceed amount of \$4,800. Seconded by Mr. Downsborough, the motion passed 5-0.

b. **Traffic Regulations on new Township Streets**

Mr. Erickson stated that when the Township accepts new streets from developers, and in this case of Homestead Farms the Home Owners Association, temporary traffic regulations are adopted until the specific regulations, such as speed limits and stop sign placements, can be enacted by ordinance and included in the official Code of Patton Township.

This proposed ordinance includes streets that have been adopted over the prior three years including the neighborhoods of Brynwood in Gray's Woods (two phases), Homestead Farms and Wooded Hills.

Additionally, the ordinance declares the initial section of Hemlock Hill Road in Wooded Hills, from Fox Hollow Road to the first intersection, to be a one-way street inbound to the development. And the signal at Patriot Lane (Trader Joe's Plaza) and Atherton Street is added to the formal schedule of signalized intersections.

The ordinance has been advertised. The Board should consider action to adopt the ordinance as included in the agenda materials. Traffic studies supporting the proposed regulations, completed by the Township Engineer, as also included with the agenda materials.

Mr. Wise moved to adopt the Traffic Regulations on new Township Streets Ordinance 2014-554. Seconded by Mr. Luck, the motion passed 5-0.

7. **PLANNING AND ZONING**

a. **Parkland Policy and A-1 Subdivision Trails Discussion**

Mr. Erickson stated that the Board Chair would like to have a general discussion of walking trails in the Rural (A-1) district and how our parkland requirements are administered.

7. **PLANNING AND ZONING (CONTINUED)**

a. **Parkland Policy and A-1 Subdivision Trails Discussion (CONTINUED)**

The parkland requirement is included in the Township's subdivision regulations at §153-34.A.(3) and states:

The developer shall provide, and so indicate on the plan, suitable areas for public parkland using the following acreage standards:
[Amended 4-23-1997 by Ord. No. 97-399; 1-2-2001 by Ord. No. 2001-384]

| Number of Dwelling Units | Acreage Required |
|---------------------------------|---|
| 0 to 9 | None required except for connecting links and easements to nearby parks or trails |
| 10 to 25 | 1.0 |
| 26 to 40 | 1.5 |
| 41 to 60 | 2.5 |
| 61 to 80 | 3.0 |
| 81 to 100 | 3.5 |
| 101 to 150 | 4.5 |
| Each additional 50 | 1.0 |

The walking trail requirement is included in the Township's subdivision regulations at §153-34.1.N and 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 recorded plan accordingly.

The above requirement was implemented in December 1996 as part of the Rural Preservation Design Standards adopted for the A-1 zone. Prior rural developments used a 1-acre minimum lot size and included no Open Space or pedestrian accommodations.

The Township last took up this issue in 2003 and 2004. Two background papers and minutes from a Board meeting are included from those discussions. Ultimately, no change to the walking trail requirement was adopted.

The following items were also provided:

Summary (in table format) of Rural Preservation Design subdivisions approved and developed since 1996.

Map showing location of Rural Preservation Design subdivisions approved and developed since 1996.

Excerpts from Board minutes of November 5, 2003 and December 10, 2003 of discussions of prior rural walkway proposal.

7. **PLANNING AND ZONING (CONTINUED)**

a. **Parkland Policy and A-1 Subdivision Trails Discussion (CONTINUED)**

The Board Chair suggests that the following questions be considered. Board members are also encouraged to develop questions for discussion.

- What is our policy about walking trails?
- Are they public? Should we have to maintain them?
- If the private homeowners association maintains them, does this give them the opportunity/right to abandon them as long as parkland requirements are met?

The Manager provided some additional information on each RPD subdivision approved since 1996 prior to the meeting.

Mr. Wise asked if the Township requires the pedestrian connections between developments in the form of developed trails for. Mr. Erickson stated that both of the Home Owners Associations would need to agree that the trails can be used by both developments' residents.

Mr. Downsborough stated that having paved shoulders on the internal roads, as discussed by the Supervisors in 2003, the connection would be somewhat natural and by approaching it that way some of the Home Owner's Association's concerns that was discussed at the last Board meeting would never have come up.

Mr. Abrams stated that one of the concerns of the Home Owners Association was the trail is not being used much and if it is costly to maintain, why is it needed?

Mr. Downsborough stated that he is reluctant giving up a public amenity and turning it back into a private amenity.

Mr. Abrams suggested making the smaller parks into a specialized park like the Recreation Department has a program in the regional parks for dedicated trees in which you can nominate a hero and make a donation to have a tree placed in the park.

Mr. Boyer stated in the December 2004 report that walkways would have been required if there is a roadway that carries more than 400 vehicles per day. He noted that at some point will need to look at a trail along State Route 550. He also stated that there should be an easement or right-a-way to have access to the State Game Lands from Timberlon. Mr. Erickson asked Mr. Boyer to bring this up at the next meeting.

Mr. Downsborough asked if this could be sent back to Planning Commission for further review. Mr. Abrams agreed. Mr. Erickson stated that it can be sent to Planning Commission for further review.

Mr. Wise stated that what we have been calling "State Game Lands" is actually private land owned opened to the public by Penn State University.

Mr. Songer stated that on April 24th the Home Owners Association will be having their annual meeting and that he would like to come to the May 14th Board of Supervisors meeting instead of the next meeting; that way he will have all signatures for the memorandum of understanding.

8. **MANAGER'S REPORT**

a. **2014 Update of the Energy Conservation Report**

Mr. Erickson stated that the 2014 Update of the Energy Conservation Report was included with the agenda items. He stated that the Township is working on CNG fueling but ran into a permit issue and should have CNG vehicle in May. He stated that looking into adaptive signaling for Valley Vista Drive and seeing if this is something that will work and to get an estimate.

b. **Patton Township's CRPA Planner**

Mr. Erickson informed the Board that Eric Vorwald has been assigned as Patton Township's half time CRPA Planner.

c. **Open Space**

Mr. Erickson stated that the open space survey is still on-going and will be open until April 20, 2014. He stated that he learned today that there is an option to increase the earned income tax rate for open space purchases.

d. **University Park Airport Master Plan Study**

Mr. Erickson stated that there is an Open Study for the University Park Airport Master Plan that is ongoing and there is an Open House for public officials on April 2, 2014 and one for Public on April 2 from 5:30-7:30PM.

e. **Pennsylvania Municipal League Conference**

Mr. Erickson stated that the PML Conference will be held on June 18-19 in Philadelphia and will send out an email about making hotel reservations.

9. **COMMITTEE REPORTS**

Mr. Luck stated at the next Parks and Capital meeting the phase two of funding is going to be discussed and asked where the Board stands on this matter.

The Board agreed to support the matching funds for phase two of funding.

10. **OTHER BUSINESS**

There was no other business.

11. **ADJOURNMENT**

There being no further business, by Mr. Luck motion and Mr. Boyer's second, the meeting was adjourned at 8:32 PM.

Douglas J. Erickson, Township Secretary