ATTENDANCE:

BOARD Elliot Abrams, Chair

Bryce Boyer, Vice-Chair

George Downsbrough, Jr., Supervisor

Jeff Luck, Supervisor

STAFF Doug Erickson, Township Manager

Brent Brubaker, Township Engineer

John Petrick, Chief of Police Kim Wyatt, Finance Director

Eric Vorwald, Planner Betsy Dupuis, Solicitor

ABSENT Walt Wise, Supervisor

AUDIENCE C-NET (3)

B.K. Bastress, Hawbaker Engineering

Constance Martin, Resident Michael Pratt, Keller Engineers

Jeff D'Angelo, Resident Carrie Miller, Resident

1. CALL TO ORDER

The February 11, 2015 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. Boyer moved to approve the January 28, 2015 meeting minutes. Seconded by Mr. Downsbrough, the motion passed 3-0-1 with Mr. Luck abstaining.

3. PUBLIC COMMENTS

Ms. Martin stated that she came during the summer about the parking along Carnegie Drive and wanted to thank the Township's staff for moving ahead with the survey.

4. PUBLIC WORKS

a. <u>Amendment to Park Regulations to Comply with Commonwealth Firearm Regulations</u>
Mr. Erickson stated that two Centre Region municipalities have been informed by a firearm

advocacy group that their Park regulations were not compliant with Pennsylvania firearm regulations with regard to right to carry firearms in public places. Any local regulation of firearms is preempted by Commonwealth regulations. (See the CDT article of January 5, 2015)

A review of Patton Township park regulations reveled the same defect. To correct this the phrase "it is unlawful for any person to carry onto or possess on any park or other public land designated by Patton Township as recreational of a shot gun or rifle or pistol or firearm of any make or kind" should be deleted from Section 112-3.M. (Parks/ Conducted Prohibited in Parks/ Hunting) from the Patton Code.

The Park regulations would continue to prohibit any discharge of weapons or hunting on Park property.

4. PUBLIC WORKS (CONTINUED)

a. <u>Amendment to Park Regulations to Comply with Commonwealth Firearm Regulations</u> (CONTINUED)

An Ordinance enacting the above noted change has been prepared and advertised for potential action. (Because this matter is outside the scope of the Municipalities Planning Code a formal Public Hearing is not required.) The proposed Ordinance is included with the agenda materials.

Following public comments and discussion, the Board should consider action on Ordinance 2015-564 Amending Park Regulations to Remove Firearm Prohibition.

Mr. Boyer moved to approve Ordinance 2015-564 Amending Park Regulations to Remove Firearm Prohibition. Seconded by Mr. Downsbrough, the motion passed 3-0-1 with Mr. Luck abstaining.

b. <u>Green Light-Go Grant Application</u>

Mr. Erickson stated that the current Capital Improvement Plan (CIP) and Township budget include funding for installing adaptive signal technology in the traffic signals in the Valley Vista Drive corridor from Carnegie Drive to Green Tech Drive.

The Township Manager and Public Works Director are working with consultant Delta Development to prepare a grant application to PennDOT to fund approximately 50% of the project.

The agenda update materials include a summary of the Green Light-Go program and the project description from the Township CIP.

The Board should consider action to approve the submission of the grant application on behalf of the Township and authorize the Manager to execute necessary documents for the application.

Mr. Luck moved to approve to approve the submission of the grant application on behalf of the Township and authorize the Manager to execute necessary documents for the application. Seconded by Mr. Downsbrough, the motion passed 4-0.

5. PLANNING & ZONING

a. Planning Commission Report

Mr. Silvis stated that at the Planning Commission Meeting discussed 4 Minor Lot Consolidation Plans for Grays Woods that is included in the Consent Agenda. He stated that the Proposed Change to Perimeter Setbacks for the Oakwood Planned Community District was discussed and is included in the agenda.

b. <u>Schedule Public Hearing for Proposed Change to Perimeter Setbacks for the Oakwood</u> Planned Community District

From the February 2, 2015 Planning Commission Agenda:

On September 24, 2014, the Patton Township Manager received a letter from the Oakwood Presbyterian Church requesting their property be rezoned from PC (Planned Community) to R-2 (Low Density Residence). The church is interested in expanding their current facility and, due to the setback requirements in the PC district; they are limited in their options for expansion. This limitation is due to the setback requirement in the PC district for the Oakwood Planned Community.

5. PLANNING & ZONING (CONTINUED)

b. <u>Schedule Public Hearing for Proposed Change to Perimeter Setbacks for the Oakwood Planned Community District</u>

At the November 3, 2014 and December 8, 2014 meetings of the Patton Township Planning Commission, possible amendments to the Oakwood Planned Community Zoning District were discussed. The Planning Commission agreed that reducing the perimeter setback for the district to 30 feet was reasonable based on the information provided by staff. The Planning Commission was also in favor of amending the setbacks for parking at the perimeter of the district to 30 feet.

At the regular meeting on January 12, 2015, the Planning Commission requested that staff evaluate possible conflicts with changing the setbacks relative to several developments. In particular, Parcel 2 (the Oakwood Centre), Parcel 8 (Heritage Village), and Parcel 15 (Pickwick Circle) were specifically noted for further review. Following an analysis of the Oakwood Planned Community Master Plan, staff felt it would be appropriate to note these three land developments in an updated ordinance to ensure their approved setbacks would remain and this amendment would not create non-conforming lots.

Staff has updated the draft amendment to the Planned Community Zoning District relative to the Oakwood Planned Community to include these three developments by reference. Included with the agenda is a proposed amendment which includes amended language. The Planning Commission should review the proposed changes and provide a recommendation to the Board of Supervisors for their consideration. Tonight's agenda also included a correspondence from a resident regarding the proposed amendment and a response from the Planner.

The Planning Commission recommends adopting the revised perimeter setbacks as proposed. The Planner will provide a brief overview of the proposed changes and will address Board questions.

The Board should consider action to schedule a Public Hearing for this matter. The Manager recommends the Public Hearing be held with the March 25, 2015 Board meeting.

After the Hearing has been scheduled, staff will solicit input from the Centre Regional Planning Commission and the County Office of Planning and Community Development, and notify affected property owners of the pending proposal.

Mr. Vorwald he stated that this will only impact the Oakwood Planned Community District and this came up from a Rezoning Request from the Oakwood Presbyterian Church for a consideration of rezoning of their property from Planned Community to R2. He stated that the Oakwood Presbyterian Church is looking to redevelop their site but with the current setbacks they could not use as much of the property as they would like. He stated looking into changing all setbacks to 30 feet except for the 3 parcels as discussed.

Mr. Luck moved to schedule Public Hearing for Proposed Change to Perimeter Setbacks for the Oakwood Planned Community District on March 25, 2015. Seconded by Mr. Boyer, the motion passed 4-0.

6. ADMINISTRATION

a. ABC Appointments

Mr. Downsbrough stated that the ABC Committee recommends the appointment of David J. Alerich to the Open Space Task Force and Robert Prosek to the Planning Commission.

The ABC Committee is also seeking applications for the following vacancies: Zoning Hearing Board Alternate (1)

Mr. Downsbrough moved to appoint David J. Alerich to the Open Space Task Force and Robert Prosek to the Planning Commission. Seconded by Mr. Luck, the motion passed 4-0.

b. Request for Waiver for Lot Size for the Keeping of Chickens

Mr. Erickson stated that in 2009 the Township enacted regulations, included with the agenda materials, to permit the keeping of chickens in residential areas with certain limitations. The minimum lot size required to keep up to four hens is one-half (1/2) acre.

Having a minimum lot size included in the regulations was recommended by the Planning Commission (PC) as the regulations were being developed and debated. Excerpts from the February 2009 PC work session minutes and the April 2009 minutes are included with the agenda materials. The Board of Supervisors accepted the recommended minimum lot size and approved the regulations in June of 2009.

A Park Forest resident with 0.47 acres is requesting a waiver from the 0.50 acre minimum. (Because these regulations are outside the Zoning and Subdivision regulations, the authority to provide a waiver rests with the Board of Supervisors.) Along with the request letter, the Manager has also provided, with the agenda materials, an aerial photo of the neighborhood showing individual homes, lots lines and acreage.

Following an initial review of the matter at the January 5th Board meeting, notices regarding the request for a waiver have been mailed to residents whose lots adjoin the requestor's property and those across Park Forest Avenue. A copy of the notice was included with the agenda materials.

Following public comments and discussion The Board could consider action on one of these courses:

- Refer the issue to the Planning Commission for a recommendation
- Defer the matter to another meeting to get additional public input
- Grant the waiver outright or grant the waiver with conditions (fencing, etc.)
- Deny the waiver request by specific motion
- Take no action; request is denied due to lack of a motion

Mr. Erickson stated that he received two emails from neighbors who were not against the keeping of chickens.

Mr. Luck stated that one of the concerns he has if the neighbors change and thought about putting a 10 year limit.

Mr. Downsbrough asked if Ms. Miller is planning on getting more chickens. Ms. Miller answered no.

6. <u>ADMINISTRATION (CONTINUED)</u>

b. Request for Waiver for Lot Size for the Keeping of Chickens (CONTINUED)

Mr. Downsbrough asked if she is planning on putting up a fence. Ms. Miller stated she has the materials to build a fence but needs to wait for the ground to thaw.

Mr. Luck will move to approve the Waiver for Lot Size for the Keeping of Chickens with the discussed conditions. Seconded by Mr. Downsbrough, the motion passed 4-0.

(The Manager notified Ms. Miller on February 12 that the following conditions would apply:

- The permit is conditioned upon completion of the fencing of your rear yard no later than May 15, 2015
- The waiver will run with the permit issued to you as the owner.
- The waiver and the issued permit are not transferrable to a new owner.)

c. <u>Schedule Adoption for Articles of Agreement for Schlow Centre Region Library</u> From the January 26, 2015 General Forum Agenda:

Enclosed is a communication from Ferguson Township expressing its interest in "rejoining the Schlow Centre Region Library Articles of Agreement." The current Articles of Agreement were enacted on April 22, 1991, and an Addendum was adopted on November 20, 2003. The Addendum provided for Ferguson Township to withdraw from the regional library program and Halfmoon Township to join.

During the November 24, 2014 General Forum meeting, the following motion was unanimously approved:

"That the General Forum authorize the COG Solicitor and COG staff to prepare a revised Articles of Agreement for the Schlow Centre Region Library that would provide for Ferguson Township to rejoin the Agreement and to propose other changes that update the Articles of Agreement as needed."

It should be noted that Ferguson Township has asked that "as part of the process to rejoin the Articles of Agreement that the current rotating municipal library board appointment be restored as a Ferguson Township representative upon expiration of their current term." The current rotating seat is assigned to Harris Township and its term expired on December 31, 2014. The incumbent, who is the Library Board Chair, desired to serve another three year term that would expire on December 31, 2017. This arrangement has been discussed with Ferguson Township and is acceptable to its Board of Supervisors.

The Library Director and Executive Director met with the COG Solicitor to discuss the amendment process. The Solicitor recommended revising the Articles of Agreement as to provide for membership for both Ferguson and Halfmoon Townships. This approach would eliminate the need for the 2003 Addendum. This is the preferred approach of the COG Solicitor and Executive Director because it avoids having three documents – the 1991 Articles of Agreement, the 2003 Addendum, and a possible 2015 Addendum.

6. <u>ADMINISTRATION (Continued)</u>

c. <u>Schedule Adoption for Articles of Agreement for Schlow Centre Region Library</u> (Continued)

The changes to the Articles of Agreement that will be proposed are:

- Admit Ferguson Township as a member of the Articles of Agreement for the Schlow Centre Region Library
- Provide Ferguson Township with a second representative on the Library Board of Trustees (as described above)
- Update the library's name from the Schlow Memorial Library to the Schlow Centre Region Library

Enclosed is a copy of the revised Articles of Agreement as drafted by the COG Solicitor. To proceed with adoption of revised Articles of Agreement, during its January 20, 2015 meeting, the Executive Committee recommended that the General Forum approve the following motion:

"That the General Forum refer the revised Library Articles of Agreement dated January 15, 2015 to the participating municipalities for adoption by April 7, 2015 with a copy of the approved ordinance provided to the Executive Director."

Mr. Dowsnbrough moved to schedule consideration of the Articles of Agreement and a proposed Intergovernmental Cooperation Agreement Ordinance to adopt the Articles at the March 11, 2015 meeting. Seconded by Mr. Boyer, the motion passed 4-0.

7. CONSENT AGENDA

Mr. Erickson stated that 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. Public Works

1) Accept School Drive, Resolution 2015-003

From the June 11, 2014 Board of Supervisors Agenda:

School Drive lies between Park Forest Elementary School and Park Forest Middle School and connects Douglas Drive and Amblewood Way. (Park Forest Pool is also accessed from School Drive.) This private roadway was constructed by the School District in the 1960s or '70s. Patton Township has provided winter weather maintenance (plowing and salting) for at least 31 years at no cost to the School District. The Township does no other maintenance on the road and cannot enforce traffic regulations (i.e. No Parking) either.

The Public Works Director has been working with the State College Area School District's Director of Physical Plant on a potential project to upgrade School Drive and turn it over to the Township. The District would reimburse the Township for all costs related to the upgrade which is anticipated to include:

a. Public Works (CONTINUED)

1) Accept School Drive, Resolution 2015-003 (CONTINUED)

- Replacement of asphalt curbing with concrete extruded curbing
- Patching and base repair where needed.
- Drainage improvements
- Asphalt overlay (1.5")
- New signage

Portions of this work would be rolled into the Township's annual overlay contract and portions would be completed by the Road Crew. The total cost of the upgrade work is estimated to be approximately \$170,000.

As a Township road, the Township would receive approximately \$1,600 per year more in liquid fuels funding from the state.

A location map was included with the agenda materials.

The Board took action in June 2014 to conditionally accept School Drive as a Township Road dependent on completion of all upgrades, payment made for same and delivery of a deed to the Township. The conditions have now been met.

It is recommended the Board adopt Resolution 2015-003 and accept School Drive as a Township road.

b. Planning and Zoning

The engineer for the Gray's Woods Partnership has stated the next three items have been undertaken to address several minor changes and updates to these properties/plans prior to a transfer of open space and common elements from the Partnership to the Brynwood Home Owners Association.

1) Gray's Woods Planned Community Lot AR – Lot Line Relocation Plan From the February 2, 2015 Planning Commission Agenda:

Patton Township received a revised a lot line relocation plan for Lot AR of the Gray's Woods Planned Community on December 9, 2014. Lot AR will consist of the existing ABC Daycare lot which is approximately 2.4 acres and the access drive from Brackenbourne Drive (currently owned by the Partnership) to the daycare which is approximately .2 acres. The resulting Lot AR will be approximately 2.6 acres and will provide road frontage for the daycare on Brackenbourne Drive. As part of this lot line relocation, an access easement is being granted to the property owned by Shoemaker who use the driveway to access their property.

The agenda packet for this evening included a location map, an 11" x 17" land development plan for the Lot Line Relocation of Lot AR and a marked up copy of staff's comment letter.

b. Planning and Zoning (CONTINUED)

1) Gray's Woods Planned Community Lot AR – Lot Line Relocation Plan (CONTINUED)

The comment letter included two items identified for discussion by the Planning Commission. Specifically, staff is concerned about access to Outparcel C, which is currently owned by Betty Fields Howe. It has always been the intent of the developer to eventually provide public road access to Outparcel C and it is shown that way in the Master Plan for the Gray's Woods Planned Community.

The access as it is shown today does not provide vehicle access due to grade challenges along the future Titus Road alignment. To date, there have been no requests by the owners of Outparcel C for access, however based on the rate of residential development in Patton Township it may be some time before the public road access to this parcel will be provided by the Gray's Woods Partnership.

The Planning Commission recommends approval with the following conditions:

- 1. Completion of all items noted on staff's marked up comment letter.
- 2. Addition of a note on the plan indicating that vehicular access will be provided by the developer if requested by owner Howe of Outparcel C.

The developer's representative has indicated they will comply with the conditions.

It is recommended the Board conditionally approve the plan as recommended by the Planning Commission.

2) Gray's Woods Planned Community Brynwood Phase 3B – Minor Alteration Plan #2 From the February 2, 2015 Planning Commission Agenda:

Patton Township received Minor Alternation Plan #2 to Phase 3 Section B of the Gray's Woods Planned Community on December 9, 2014. This minor alteration plan establishes a walkway easement through the common open space between Barrens Court and Gray's Woods Boulevard (new lot 89R); establishes a grading and utility easement in the common open space between Glenndale Drive and Gray's Woods Boulevard (new lot 88RR); establishes a drainage easement on an existing stormwater management culvert between lots 56 and 57; and dedicates right-of-way for future round-a-bouts on Gray's Woods Boulevard adjacent to new lot 89R and new lot 88RR.

After the initial comments were provided to Keller Engineers, Inc. an error was noted with the labeling of the *Site Information: Purpose of the Plan*. Specifically, the notes in this section are mislabeled on plan sheet 2. The applicant has been notified and will update the plan sheet before final submission.

The agenda packet for this evening included a location map, an 11" x 17" minor alteration plan for Phase 3 Section B of the Brynwood Subdivision, and a marked up copy of staff's comment letter.

b. Planning and Zoning (CONTINUED)

3) Gray's Woods Planned Community Brynwood Phase 3C – Minor Alteration Plan #2 (CONTINUED)

The Planning Commission recommends approval with the following conditions

- 1. Completion of all items noted on staff's marked up comment letter.
- 2. Correction of labels on plan sheet 2.

The developer's representative has indicated they will comply with the conditions.

It is recommended the Board conditionally approve the plan as recommended by the Planning Commission.

3) Gray's Woods Planned Community Brynwood Phase 3C – Minor Alteration Plan #2 From the February 2, 2015 Planning Commission Agenda:

Patton Township received Minor Alternation Plan #2 to Phase 3 Section C of the Gray's Woods Planned Community on December 9, 2014. This minor alteration plan adjusts an easement along Gray's Woods Boulevard near round-a-bout #4 which is located along Gray's Woods Boulevard. Specifically, easement #6 is

being adjusted to parallel round-a-bout #4 and be redesignated as a 15 foot utility and grading easement.

The agenda packet for this evening includes a location map, an 11" x 17" minor alteration plan for Phase 3 Section C of the Byrnwood Subdivision, and a marked up copy of staff's comment letter.

The Planning Commission recommends approval with the following conditions

1. Completion of all items noted on staff's marked up comment letter.

The developer's representative has indicated they will comply with the conditions.

It is recommended the Board conditionally approve the plan as recommended by the Planning Commission.

4) Deerbrook Subdivision Lots 43R & 44 Lot Consolidation Plan

From the February 2, 2015 Planning Commission Agenda:

Patton Township received a lot consolidation plan for lot 43R and lot 44 in the Deerbrook Subdivision on December 31, 2014. The resulting lot will be approximately 2.6 acres in size. There is an existing house on lot 43R and lot 44 is currently vacant. Lot 44 is technically part of a larger residual tract of land that was surveyed and subdivided in the past into seven lots, however the lots were never officially recorded, therefore lot 44 shows as part of a larger tract of land when viewing current parcel boundaries. Lot 44 exists on paper, therefore the boundaries from the previous survey will be used to identify the specific extent of the properties to be combined. A requirement of this subdivision and lot consolidation is to have new deeds established for the lot consolidation and the residual lot(s).

b. Planning and Zoning (CONTINUED)

4) Deerbrook Subdivision Lots 43R & 44 Lot Consolidation Plan (CONTINUED)

The agenda packet for this evening includes a location map, an 11" x 17" lot consolidation plan for lots 43R and 44 of the Deerbrook Subdivision, and a marked up copy of staff's comment letter.

The Planning Commission recommends approval with the following conditions

1. Completion of all items noted on staff's marked up comment letter.

The developer's representative has indicated they will comply with the conditions.

It is recommended the Board conditionally approve the plan as recommended by the Planning Commission.

c. <u>ADMINISTRATION</u>

1) Voucher Report

A copy of the January 2015 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 January 2015 Voucher Report.

2) Centre Region Building and Housing Board of Appeals Appointments

Municipalities in Pennsylvania are required by the Uniform Construction Code (section 501(c) of the Act (35 P. S. §7210.501(c)) to establish and appoint members to serve on a Board of Appeals. The General Forum has referred the following slate to the participating municipalities for appointment for a three (3) year term commencing on February 15, 2015: An appointment to the Board of Appeals includes a three-year term, and members may serve a maximum of three consecutive terms or a total of nine years.

The six Centre Region municipalities have adopted ordinances to establish and maintain a regional Board of Appeals through the Centre Region COG. The Board has 13 members and meets as needed when an appeal is filed. *Enclosed* is a 2015 membership list of the Board including members' terms, and those persons recommended by the Public Safety Committee for appointment and/or re-appointment. Specifically, the Code Board of Appeals can hear appeals on three grounds:

- The true intent of the code was incorrectly interpreted
- The code doesn't apply
- An equivalent form of protection is provided.

c. ADMINISTRATION (CONTINUED)

3) Centre Region Building and Housing Board of Appeals Appointments (CONTINUED)

It is recommended that the Board approve the following appointments to the Board of Appeals for a three (3) year term commencing on February 15, 2015:

Core Board:

Douglas Henry, R.A.

Steven Balkey

M. Kevin Parfitt, M.Eng., P.E.

Paul S. Lehr, R.A.

James Thornton, Jr., P.E. (Alternate)

Property Maintenance Board:

Tim Scharf, P.E. (Alternate)

Louis Berrena, Jr. (Alternate)

Edward Poprik (Alternate)

Mechanical Board:

Louis Berrena, Jr. Tim Scharf. P.E.

Christopher Howe (Alternate)

Electrical Board: Richard Koval. P.E.

Plumbing Board:

Robert Siegenthaler

Louis Berrena, Jr. (Alternate)

Mr. Downsbrough stated that the mark up from the staff show there is already an easement for the Gray's Woods Planned Community Lot AR – Lot Line Relocation Plan. Mr. Brubaker stated that there was already an easement for this property and was unaware of this when made first comment. He stated that a note was added to the plan.

Mr. Downsbrough stated that he has no problems including it into the consent agenda for approval.

Mr. Luck moved to approve the Consent Agenda. Seconded by Mr. Boyer, the motion passed 4-0 including Resolution 2015-003..

8. MANAGER'S REPORT

a. <u>Development Update</u>

Mr. Erickson stated that the Development Update was enclosed with the agenda materials.

b. <u>February 25th; Joint Work Session with Planning Commission; presentation from Mark Magalotti, Ph.D, P.E.; University of Pittsburgh, "Traffic Studies and Their Role in the Land Development Approval Process."</u>

Mr. Erickson stated that he will have the Planning Commission sit in during this and will have CNET there to record this session.

c. Open Space Task Force update (agenda enclosed)

Mr. Erickson stated that the Open Space Task Force had their first meeting on February 4, 2015 and which was a meet and greet type meeting. He stated that they will meet monthly.

d. Stewards of Children training for Township Staff

Mr. Erickson stated that 100% of the Township Staff along with Mr. Wise attending the Stewards of Children training to make people aware of signs of child abuse and what to do if you suspect child abuse.

PATTON TOWNSHIP BOARD OF SUPERVISORS MEETING MINUTES

February 11, 2015 Page 12 of 12

9. COMMITTEE REPORTS

Mr. Downsbrough stated that Human Resource Committee met and discussed the reorganization of the IT Staff at the Library and approved the job description of an upgrade from a part time to full time position.

Mr. Boyer stated that Public Safety met and that the Code Administration will be sending surveys to all people who received permits last year. He stated that the Sutphen fire truck is still not in service but is still being worked on.

Mr. Boyer stated that Public Services met and discussed the request of volumetric billing for the sewer.

Mr. Luck stated that Transportation and Land Use met and discussed setting the perimeters of a regional bike plane.

10. OTHER BUSINESS

There were no other business.

11. ADJOURNMENT

There being no further business, by Mr. Luck's motion and Mr. Boyer's second, the meeting	g was
adjourned at 7:40 PM.	

Douglas J. Erickson, Township Secretary