

ATTENDANCE:

BOARD	Elliot Abrams, Chair Jeff Luck, Vice-Chair George Downsborough, Jr., Supervisor Josh Troxell, Supervisor Walt Wise, Supervisor
STAFF	Doug Erickson, Township Manager Lawrence Pegher, Finance Director John Petrick, Chief of Police Betsy Dupuis, Solicitor
AUDIENCE	C-NET (3) Jeff Walker, Brown Schultz Shoriden Fertz Wes Payne, Crown Castle Greg Turner, Resident Bob Prosek, Planning Commission.

1. CALL TO ORDER

The February 10, 2016 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. Luck moved to approve the minutes of the January 27, 2016 meeting. Seconded by Mr. Troxell, the motion passed 5-0.

3. PUBLIC COMMENTS

There was no public comment.

4. PUBLIC SAFETY

a. Police Update

Chief Petrick stated that the January Police Report was included with the agenda materials. He stated that the department assisted Leadership Centre County class participants with seven ride-a-longs which resulted in great reviews. He stated that Officer Shaffer, our drug recognition expert, assisted in a field sobriety training and was invited to the Meadows to participate in a discussion on street drugs and the effects on the user. He stated that Ms. Basalla completed a week long crisis intervention team training. He stated that there was a slight increase in less serious crimes due to an increase of disorderly conduct calls.

b. Proposed Change to Enforcement of Nuisance Violations

Chief Petrick stated that the Police Department has been responding periodically to a residence in Park Forest regarding a repeated nuisance violation. In accordance with the current nuisance regulations, a warning has been issued to the home owner who then abates each violation. The nature of the violations are all very similar and have to do with the storage of un-registered vehicles.

The Manager and Police Chief have proposed amending Chapter 107, Nuisances (full copy included with the agenda materials) to waive the warning period and allow an officer to immediately issue a violation notice when a subsequent violation is observed on the same property.

The following language is proposed to be inserted into §107-2.(Notice to owners and occupants of premises) as paragraph B(2) [with the current B(2) becoming B(3)]:

4. **PUBLIC SAFETY (Continued)**

b. **Proposed Change to Enforcement of Nuisance Violations (Continued)**

Upon discovery of a subsequent violation on a specific premises, similar in nature to a prior violation that may have been abated, and occurring within 90 days of said prior violation, an ordinance violation notice shall be issued to the owner and/or occupant in the manner prescribed above. Each twentyfour- hour period shall constitute a separate violation and an ordinance violation notice may be issued every 24 hours.

Enacting this change would require an ordinance. The matter could be included on the February 24, 2016 agenda for action.

Chief Petrick stated that the department has been getting a number of complaints regarding junk vehicles at one particular residence. He stated a warning was issued in which the resident has 72 hours to fix the issue and if it not taken care of there is a \$35 fine. He stated that the proposed changes that once you have been issued a warning that if the department has to respond within 90 days at the same residence that a violation will be issued.

Mr. Abrams asked if a Public Hearing is needed. Mr. Erickson stated that the Nuisance regulations are not subject to the public hearing requirement, but it does need to be advertised 7 days prior.

Mr. Downsborough asked if the Solicitor has reviewed the proposed changes. Ms. Dupuis stated that she looked it over and saw no problems.

Mr. Erickson stated that the issue is this resident has 3-4 vehicles he is working on and he uncovers one of them and the Township gets a complaint and it is hard to keep track if the complaints are about the same vehicle.

Ms. Dupuis stated that when the Police Department hands out a warning to also include a copy of the ordinance as well.

By consensus of the Board, the Manager was directed to prepare the ordinance for possible action on February 24, 2016.

5. **PUBLIC WORKS**

a. **Design Services for the Valley Vista Left Turn Lane Project**

Mr. Erickson stated that PennDOT has produced the reimbursement agreement for the \$800,000 Multi-modal Transportation Fund grant for the project. The agreement has been signed and returned to PennDOT for processing. We anticipate receiving a Notice to Proceed from PennDOT in 20 to 30 days.

The next step would be to engage an engineering firm to design the improvements and prepare the construction plans and specifications for bidding. Since we have appointed Trans Associates as our Township Traffic Engineer we can utilize their services for the project without going through a formal selection process. Alternatively the Township could issue a Request for Proposals (RFP), empanel a review committee and select a consultant from the responding firms.

Nick Schaefer, P.E., is the Central PA Regional Manager for Trans Associates and produced the October 2013 "Left Turn Lane Investigation for Valley Vista Drive" that was the basis for the grant application filed in June of 2014. The report is included with the agenda materials.

Mr. Schaefer has requested an opportunity to highlight the capabilities and capacity of his firm to undertake this project.

5. **PUBLIC WORKS (Continued)**

a. **Design Services for the Valley Vista Left Turn Lane Project (Continued)**

Mr. Schaefer gave a brief presentation of how his firm would undertake this project.

Mr. Downsbrough asked if staff is planning on using Trans Associates for all these projects for the sum of \$192,480 for engineering costs. Mr. Erickson stated that if the Board wants to move forward with Trans Associates that he will ask that they provide a detailed scope of services with a price proposal.

Mr. Downsbrough stated he does not believe that the Township needs to go through a RFP process in this case.

Mr. Luck stated that he agrees with Mr. Downsbrough. He stated that one of his expectations for this project is to accommodate other potential uses for the right-of-way for the future.

Mr. Erickson stated that he will work with Mr. Schaefer and will hopefully have an agreement for the Board in the next couple of weeks.

Mr. Troxell asked about the startup date for construction being in June and what would be the construction length of time. Mr. Erickson stated we expect a start in summer of 2017 and to ideally have it done in 90 days before school starts.

Mr. Troxell stated that he is not in a hurry to start construction and take our time to do our planning correctly.

b. **Reimbursement Policy for Utility Relocations for the Waddle Road Interchange Project**

Mr. Erickson stated that this item is for information only; no action is required at this time.

The Township is responsible for the pre-construction activities related to this project, with the exception of the final design. The pre-construction activities include the preliminary engineering and right-of-way acquisition which are completed, and reimbursing eligible utilities for relocation costs. The Township is also assisting PennDOT with the coordination of the utility relocations.

In consideration of permitting utilities to locate facilities within our right-of-way, the Township has the authority to require that these utilities move or relocate those facilities when roadway improvements are planned.

However, if the utility facility was in-place prior to the Township obtaining the right-of-way, the utility owner is entitled to compensation for relocating to accommodate roadway improvements. This is the case for the West Penn Power pole line that crosses over I-99. This line is to be moved from the west side of the current bridge to approximately 125 feet east of the replacement bridge.

Additionally, PennDOT policy provides for reimbursement to Water Authorities for 50% of the costs for relocation of their facilities. The State College Borough Water Authority (SCBWA) is working on their relocation design at this time.

To date, the Township Manager has informed utilities that the Township is "standing in the shoes of PennDOT" and will provide, or not provide, reimbursement to utilities as required and described above.

The SCBWA has indicated they may approach the Board about revising the reimbursement policy to include a larger percentage of their costs.

5. **PUBLIC WORKS (Continued)**

c. **Agreement with Crown Castle for Fiber Optic Lease for Adaptive Signaling System on Waddle Road**

The Waddle Road Interchange Improvement Project will include an Adaptive Traffic Signal System to operate the corridor as a coordinated system. The Township is responsible to install fiber optic cable from the master controller, to be located at Colonnade Boulevard and Waddle Road, to a dedicated server at the Township Building.

Previously the Township and Crown Castle's entered into an agreement to place a distributed antennae system (DAS) providing cell service on several traffic signal poles and other locations on Township properties. As part of that agreement, Crown Castle provided conduit for the Township along Colonnade Boulevard.

This agreement includes the installation of fiber optic cable in the conduit, and as overhead lines along Atherton Street from Colonnade Blvd. to the Township building. There is also a monthly fee that covers maintenance of the fiber.

The tentative Agreement was distributed to the Board members and Solicitor on Tuesday, February 9th.

Mr. Abrams asked if this is a self restart system. Mr. Erickson stated he will have to double check with IT but the building has a generator if there is a power outage and that the signals will have battery backups.

Mr. Luck stated he is concerned about the large up front amount then having an indefinite leasing of the fiber. Mr. Payne stated that the leasing part is for reoccurring protection of the fiber.

Mr. Downsborough asked if the Township's general liability insurance enough to cover the \$5million. Mr. Erickson stated that he checked on that and yes it is.

Mr. Luck stated that he would like the paragraph about what the Township can use the fiber for clarified. Mr. Erickson asked Mr. Luck to email his request and he will forward it to Crown Castle.

The Board directed the Manager to place this item on the February 24th agenda.

6. **PLANNING & ZONING**

a. **Planning Commission Report**

Mr. Prosek stated that the Planning Commission met and discussed the Valley Vista Sheetz remodeling which is to start in January 2017. He stated that the Village of Penn State wants to add an additional 16 single family homes on 3.99 acres and will extend Dean's Way and they were concerned with overflow parking. He stated that a Grays Woods Blvd resident wants an amendment of the Office Buffer District because he received an offer to use it as some types of businesses not currently permitted in the district.

Mr. Luck stated that he would be concerned if there would be an ambulance service in that area. Mr. Erickson stated that it would be like a Life Link and this will be discussed at March's Planning Commission meeting.

7. **ADMINISTRATION**

a. **Polling Location for the Patton North 1 Precinct**

Mr. Erickson stated that for many years, two precincts – North 1 and South 2 – have polled at the same location, the Oakwood Presbyterian Church on Waddle Road. For most elections, there is sufficient parking and other resources to meet the needs of voters at this location. However, during the last two presidential elections with much higher voter turnout there have been times where there is no parking left or the parking starts to impact the adjoining businesses.

Patton North 1 includes Toftrees and the northeastern portion of the Township. State law prohibits polling locations in premises that serve alcohol, so the Toftrees Resort and the Village at Penn State are not available. The only church in the precinct is the Fillmore Methodist Church which does not have sufficient parking. Requests have been made to a couple of other building owners, with no success.

The Manager recommends moving the North 1 polling location to the Meeting Room here at the Township Building beginning with the April 26, 2016 primary election. The option has been discussed with the County's Director of Elections who will take the issue to the Centre County Commissioners who also sit as the Election Board.

The Township served as the polling location for North 2 while their usual location, the Good Shepard Catholic Church, underwent major renovations. Only a small amount of Township staff time is needed to support the election process.

The Board is asked to consider action to endorse moving the North 1 polling location to the Township Building.

Mr. Luck moved to approve moving Polling Location for the Patton North 1 to the Township Building. Seconded by Mr. Downsborough, the motion passed 5-0.

Mr. Downsborough stated that he will endorse this solution but would like to see about other options.

Mr. Luck stated he wants to make sure there is appropriate signage. Mr. Erickson stated that the County will send out notices to all the residents in that precinct and will make sure there is notifications.

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 on Highland Drive with 0.32 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.

For the last two waiver requests received for keeping chickens we have used the following process:

7. **ADMINISTRATION (Continued)**

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

1. The Board receives the request and conducts an initial review of the matter. (we are at this step)
2. Notices regarding the request for a waiver have been mailed to residents whose lots adjoin the requestor's property and those across the street. A copy of a sample notice was included with the agenda materials.
3. The Manager compiles the comments received from neighbors and places the matter on a future Board meeting agenda.
4. Following public comments and discussion at the future meeting the Board would 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 (number of hens, fencing, etc.)
 - Deny the waiver request by specific motion
 - Take no action; request is denied due to lack of a motion

Mr. Turner stated that he has applied in the past and that they have what they feel is an appropriate lot and will meet all required setbacks without any nuisances to their neighbors.

Mr. Luck asked if they would be willing to limit to 3 hens instead of 4 hens. Mr. Turner answered yes.

Mr. Luck stated he supports this process.

Mr. Wise stated that he supports this. He stated that he believes that we should grant the waiver if all other conditions in the regulations in Keeping of Chickens in Residential Areas are accomplished. The Property has a large back yard and natural screening. I believe that there is no good reason not to grant the waiver. Looking at the handling of the request for the waiver on the agenda I think was overkill. I spent more than an hour digging through the information about the chicken waiver. Mostly I was trying to figure out why this Township makes a big deal out of a couple of chickens. I suggest that in the future when a request for a waiver for chickens on a lot less than a ½ acre will be reviewed by the Manager. If the lot is more than ¼ of an acre and the request has the necessary information it would be given to the Zoning Office to investigate and give his findings to the Manager and if the Manager finds no good reason not to grant the waiver that he will send it to the Board.

Mr. Abrams stated that we should look at the ordinance.

Mr. Troxell stated he supports this but would like to look at the ordinance.

Mr. Downsborough stated that the Board and the Planning Commission back in 2009 discussed the size of the lots but would like to go thru the notice procedure.

Mr. Troxell asked what would happen if a neighbor says no and would like to hold a Public Hearing to see what the residents say.

Mr. Abrams stated that the Manager will collect the comments and will have an answer.

Mr. Luck moved to approve collecting public comments from neighbors and put on the next agenda. Seconded by Mr. Troxell, the motion passed 5-0.

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. **Public Works**

1) **2016/2017 Sodium Chloride (Road Salt) Contract**

The Township participates in a state-wide contract administered by the Department of General Services for deicing salt. The contract runs for one year and requires annual participation approval from each municipality. The program year for this approval begins in August 2016 and ends July 2017. The deadline for submission of the contract is March 15, 2016. A memo from the Public Works Secretary with additional background information is included in the agenda materials.

It is recommended that the Board authorize the Manager to complete the participation agreement for the 2016-2017 Sodium Chloride Contract administered by the Commonwealth of Pennsylvania Department of General Services.

b. **Administration**

1) **Voucher Report January 2016**

A copy of the January 2016 Voucher Report was 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 2016 Voucher Report

Mr. Luck moved to approve the Consent Agenda. Seconded by Mr. Troxell, the motion passed 5-0.

9. **MANAGER'S REPORT**

a. **Development Update**

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

b. **Open Space Task Force Update**

Mr. Erickson stated that Open Space Taskforce met with several property owners and right now he and Mr. May are setting up tours of the properties in March.

c. **Follow-ups with PennDOT from January 27th meeting**

Mr. Erickson confirmed with PennDot that the signage at Bernel Road and Fox Hill is correct.

d. **Economic Development Publication for I-99 Corridor**

Mr. Erickson stated that he received a proposal for shared advertising cost in economic development publication for I-99 Corridor – see attached materials or visit website at <http://www.businessclimate.com/location/pennsylvania/pennsylvanias-i-99/>

The Board agreed to wait a couple weeks before making a decision.

10. COMMITTEE REPORTS

Mr. Troxell stated that Human Resources met and discussed COG Priorities.

Mr. Wise stated that Public Safety discussed the Year End Fire Activity Report and COG Priorities.

Mr. Luck stated that Public Services met today and discussed UAJA wanting to redirect the beneficial reuse water.

Mr. Downsborough stated that Finance is meeting tomorrow to discuss the Miller Formula by CATA and will discuss a 4% increase from CATA. Mr. Luck stated that his concern about the Miller Formula is the mileage and stops.

11. OTHER BUSINESS

There was no other business.

12. ADJOURNMENT

There being no further business, by Mr. Luck's motion and Mr. Troxell's second, the meeting was adjourned at 8:40 PM.

Douglas J. Erickson, Township Secretary