

ATTENDANCE:

BOARD	Elliot Abrams, 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 Stephen Casson, Township Engineer Susan Wheeler, Public Works Project Manager Betsy Dupuis, Solicitor
ABSENT	Jeff Luck, Vice-Chair
AUDIENCE	C-NET (3) Ron Quinn, PA Constable Jeremy Book, Movin' On Nicolas Dangord, Movin' On Greg Garthe, CRPA Jim May, CRPA Jon Houser, Penn Terra Michael Lee, Nittany Valley Sports Centre Mark Torretti, Penn Terra Nancy Ring, Remax Kim Ring, Remax Michele Brandt, Gray's Centre Paul Silvis, Planning Commission

1. CALL TO ORDER

The April 13, 2016 Patton Township Board of Supervisors meeting held at the Township Municipal Building was called to order at 7:01 PM by Chair Elliot Abrams.

2. APPROVAL OF MINUTES

Mr. Troxell moved to approve the minutes of the March 24, 2016 meeting. Seconded by Mr. Downsborough, the motion passed 4-0.

3. PUBLIC COMMENTS

a. Resident Comments

Mr. Book stated that he sent an email to the Township to help make the community aware of Movin' On, the Annual Penn State Music Festival, on April 29, 2016 on the Penn State Blue Field.

Mr. Erickson stated that the Township has not received any complaints in the past.

b. Constable Ronald Quinn

Constable Quinn stated that he is a Pennsylvania Constable and gave a brief overview of his resume and what being a Constable entails.

Constables are independently elected positions that serve 6 year terms. While Constables are elected at the municipal level, there is no formal statutory relationship between the municipal government and the Constable's office. They are Peace Officers by virtue of the office they hold, and upon completing state certification and training, they may also serve as the Law Enforcement Arm of the Court. They

3. **PUBLIC COMMENTS (Continued)**

b. **Constable Ronald Quinn (Continued)**

may perform services for the Pennsylvania Magisterial courts, but do not belong to the judicial branch. With regard to their judicial services, the Pennsylvania Supreme Court has found constables to be "independent contractors that orbit the judiciary."

Additional information regarding Constables is available at these sites:

<http://www.pastateconstables.com/wp/history/>

<http://www.pacourts.us/assets/files/resource-1059859/file-2699.pdf>

The Board should receive Constable Quinn's comments. No action is required.

Mr. Troxell asked the Solicitor to look into it as a legal point with regard to the Second Class Township Code. Ms. Dupuis stated that she can work with Mr. Erickson if the Board would like to look into this further.

Chief Petrick stated that the Police Department does all of the warrant services.

Mr. Abrams thanked Constable Quinn for his comments and suggested that Staff to look into this further.

Mr. Wise stated that during this process we should see if there is something that he can help us with.

4. **PUBLIC SAFETY**

a. **Police Update**

Chief Petrick stated that a copy of the March 2016 Public Safety Report was enclosed with the agenda materials. He stated that Sgt. Jolley and Officer Snyder participated in a county wide Tactical Response Team Active Shooter Training. He stated that Sgt. Albright attended the Pennsylvania Accreditation Conference and that Officer Shaffer participated in the Park Forest Middle School Minithon.

Mr. Downsborough stated that he saw that April is Sexual Assault Awareness Month and wanted to see if the Department is up to date with training. Chief Petrick answered yes.

5. **PLANNING & ZONING**

a. **Planning Commission Report**

Mr. Silvis stated that the Planning Commission discussed the Nittany Valley Sports Centre that is included with the agenda.

b. **Minor Amendment of Master Plan; Nittany Valley Sports Centre**

Mr. Erickson stated that the following is from the April 4 Planning Commission agenda:

"Patton Township received a request to amend the approved master plan for the Nittany Valley Sports Centre on March 1, 2016. The two requested amendments include the following:

1. Incorporates Lots 2, 3, and 4 into Phase I. These lots were initially approved as Phase II of the master plan. Phase III has been relabeled as Phase II.
2. Increases the building square footage on Lot 3 from 9,600 square feet to 20,000 square feet.

The following items were included with the agenda:

1. A location map for the property

5. **PLANNING & ZONING (Continued)**

b. **Minor Amendment of Master Plan; Nittany Valley Sports Centre (Continued)**

2. An 11"x17" copy of the subdivision plan
3. A marked up copy of staff's comment letter for the subdivision

Recommendation

Staff finds that the plan meets all Township regulations with the following conditions:

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

The Planning Commission recommends conditional approval with:

1. Completion of all items noted on staff's marked up comment letter
2. Addition of a note to the Master Plan stating that "should the Township require sidewalk to be constructed along Bernel Road as part of the land development plan approvals for Lots 3 and 4, the developers of the master plan provide an easement or right-of-way and install sidewalk along the frontage of Lot 2."

The second condition was the result of a discussion related to providing pedestrian access from the sports center to Bernel Road Park. With the condition in place, the ultimate decision on sidewalk along Bernel Road will be made with the first Land Development Plan that comes forward for Lot 3 or Lot 4. The northeast corner of Lot 2 is across Bernel Road from the park property itself. A pedestrian connection to the park would require the construction of 800+ feet of paved walkway in the park to connect to the existing path network.

Mr. Torreti stated that he adjusted the phasing of the Master Plan. He stated that his client is questioning about putting a sidewalk out there when there is no other sidewalks on Bernel Road.

Mr. Downsborough stated that he does not feel that the sidewalk is needed unless there is a hotel or restaurant in the area and does not feel like it should be required at this time.

Mr. Troxell stated that if growth continues this property may be only property without a sidewalk.

Mr. Abrams suggested to not require a sidewalk at this time but that it may be needed in the future.

Mr. Erickson stated that the second condition was the result of a discussion related to providing pedestrian access from the sports center to Bernel Road Park. With the condition in place, the ultimate decision on sidewalk along Bernel Road will be made with the first Land Development Plan that comes forward for Lot 3 or Lot 4. The northeast corner of Lot 2 is across Bernel Road from the park property itself. A pedestrian connection to the park would require the construction of 800+ feet of paved walkway in the park to connect to the existing path network.

Mr. Toretti stated that they are willing to put off the sidewalk issue until the Land Development Plan is reviewed.

Mr. Troxell moved to approve the Minor Amendment of Master Plan with the conditions as noted; Nittany Valley Sports Centre. Seconded by Mr. Downsborough, the motion passed 4-0.

5. **PLANNING & ZONING (Continued)**

c. **Land Development Plan; Nittany Valley Sports Centre Phase 1A**

From the April 4 Planning Commission agenda:

Patton Township received a request to approve the subdivision for Lot 1, and Land Development Plan for Phase IA of the Nittany Valley Sports Centre on March 1, 2016. The Subdivision and Land Development Plan includes the following:

1. Subdivision of the parcel for the indoor sports facility and outdoor fields, including right-of-way for Champions Drive.
2. Construction of Champions Drive from Bernel Road to the cul-de-sac termination, including sidewalk on both sides of Champion Drive as shown on sheet 3.
3. An 85,000 square foot indoor sports facility.
4. An 81,000 square foot synthetic turf field, with outdoor lighting.
5. Required parking and maneuvering.
6. Utilities required to serve the building.

The following items were included with the agenda:

1. A location map for the property
2. An 11"x17" copy of the subdivision plan for Lot 1 and the Phase 1A Land Development Plan
3. A marked up copy of staff's comment letter for the subdivision

Recommendation

Staff finds that the plan meets all Township regulations with the following conditions:

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

The Planning Commission recommends conditional approval with:

1. Completion of all items noted on staff's marked up comment letter.
2. The addition of No Parking signs along Champion Drive.

The second condition was the result of a discussion related to potential overflow parking for the Sports Centre. The developer's engineer explained that they sized the parking field based on parking counts taken at similar facilities and they did not anticipate overflow parking on the streets.

The Commission also reviewed the developer's proposed curfew of 11 pm to extinguish the sports field lighting. The regulations read:

"175-48.2.D.(5) Curfew. A nightly deadline for extinguishing the recreational sports facility lighting shall be included on the land development plan. With the approval of the Board of Supervisors, a process for requesting an extension of the deadline for special events (e.g., tournaments) may also be included on the land development plan."

Staff commented that we generally use 10 pm as a limit for special events in residential areas. The Commission decided to make no recommendation to change the developer's proposal.

Mr. Toretti gave a brief presentation of the Nittany Valley Sports Centre Phase 1A.

5. **PLANNING & ZONING (Continued)**

c. **Land Development Plan; Nittany Valley Sports Centre Phase 1A**

Mr. Downsborough asked how often the field is going to be lit. Mr. Lee stated that he is hoping that the field will be used 50% of the time during 8 months of the year in the evenings.

Mr. Downsborough moved to approve the Land Development Plan; Nittany Valley Sports Centre Phase 1A with the conditions noted. Seconded by Mr. Troxell, the motion passed 4-0.

d. **Schedule Public Hearing on Amending Permitted Uses and Hours of Operation In The Office Buffer District (OBD)**

Mr. May stated that the Office Buffer District exists in two location along [Gray Woods Boulevard](#) (10.8 acres) and [Waddle Road](#) (2.6 acres). Click on the hyperlink to download/ view mapping of each area. Large format maps will be on display at the meeting.

From the April 4 Planning Commission agenda:

“This item is a request for the Planning Commission to consider proposed amendments to permitted uses in the Office Buffer District (OBD). This request was initiated by Jim and Sue O’Connor, the property owners at 650 Grays Woods Boulevard. It was referred to the Planning Commission by the Board of Supervisors at its meeting on January 27, 2016, and was initially discussed by the Planning Commission at the work session on February 1, 2016. The Planning Commission continued to discuss amendments at the March 14, 2016 meeting. After a lengthy discussion, the Planning Commission requested that CRPA staff review allowing the proposed amendments through the Conditional Use process.”

In looking at existing Conditional Uses in the OBD, the CRPA staff recommends that the Planning Commission consider the conditional use process only for the dance studio and health/fitness center requests. A request for a stand-alone coffee house business would not be consistent with the intent of the OBD. The use however, may be acceptable as an accessory use, at a scale that would serve patrons of the dance studio and health/fitness center uses only. No additional commercial traffic should be generated by the coffee house. The ambulance service is allowed in the C-1, C-2, and C-T districts, and because of potential noise concerns, CRPA staff recommends this use not be allowed in the OBD.

The Planning Commission should also consider hours of operation and reach a consensus regarding when businesses in the OBD should be open for business.

Are the hours of operation clear, and supportive of the intent of the OBD?

At the Planning Commission meeting on February 1, 2016 and March 14, 2016, there was a discussion of how the Township regulates hours of operation in the OBD. Currently the Township allows office users to be open to employees between 9:00 p.m. and 7:00 a.m. The offices however, are not open to the public during these times. The current statement regarding hours of operation in the OBD is *“Businesses within the Office Buffer District may be open for business between the hours of 7:00 a.m. and 9:00 p.m. This requirement is intended to mitigate impacts on adjacent residential neighborhoods”*.

The Planning Commission should discuss how to clarify the statement. A suggested revision is:

*“Businesses within the Office Buffer District may be open **to the public** for business between the hours of 7:00 a.m. and 9:00 p.m. ~~This requirement is intended to mitigate impacts on adjacent residential neighborhoods”~~.*

This revised statement clearly defines time that a business can be open to the public in the OBD and seems consistent with the times typical businesses currently allowed in the OBD would be open to the public. Staff is comfortable that given the scale and nature of currently permitted uses and the standards

5. PLANNING & ZONING (Continued)

d. Schedule Public Hearing on Amending Permitted Uses and Hours of Operation In The Office Buffer District (OBD) (Continued)

in the OBD, there would be very limited after hours work, and a negligible impact on neighbors. The Planning Commission may want to consider remaining silent on allowing workers to arrive or depart

after 9:00 p.m. or before 7:00 a.m., or provide alternative language if there is a desire to clarify the hours of operation to accommodate amended land uses.

Actions: 1. The CRPA staff recommends that the Planning Commission consider allowing the dance studio and health/fitness center in the OBD through the Conditional Use process and forward a recommendation to the Board of Supervisors for action.
2. The CRPA staff recommends that the Planning Commission consider recommending approval of the revised definition of hours of operation in the staff report and forward the recommendation to the Board of Supervisors for action.

Next steps: If recommended for approval, the Township Manager will include the recommendations in a future Board of Supervisors meeting agenda. If not, the CRPA will make revisions and bring the item back for discussion at the next Planning Commission meeting.

The Planning Commission recommends:

1. Adding "dance studio" and "health/fitness center" to the list of conditional uses.
2. Adding "coffee house, juice bar or similar retail service intended to serve patrons of the primary use(s) within a building" to the list of accessory uses
3. Revise the first sentence regarding hours of operation to read: "*Businesses within the Office Buffer District may be open to the public for business between the hours of 7:00 a.m. and 9:00 p.m.*" and delete the second sentence.
4. Provide an exception to the hours of operation limit for health/fitness centers, proposed to read: "*A health/fitness center may open to the public beginning at 5:30 am for scheduled appointments, including exercise classes that require pre-registration, for no more than 30 patrons. Additionally, to be eligible to open at 5:30 am the building and parking field must be sited such that the building is located between the parking field and adjacent residential uses outside the Office Buffer District.*"

The fourth item was requested by the applicant. After discussion the Planning Commission added the building/parking field siting requirement.

Following a brief presentation from CRPA staff, the Board may discuss the recommendation from the Planning Commission.

The next step in the process would be to proceed to a Public Hearing on the proposed amendments to the Office Buffer District regulations. The earliest available date to hold a Public Hearing, based on mandated notice and review periods, is Wednesday, May 25, 2016. Written notices will be provided to all residences adjacent to the district and property owners/tenants within the district.

The original request to amend the regulations is included in the agenda materials, along with a copy of the current district regulations and a proposed Ordinance to apply the changes recommended by the Planning Commission.

Mr. Dowsbrough stated that he is surprised by the hours for a health/fitness center closing at 9:00PM.

Mr. Troxell moved to schedule the Public Hearing on Amending Permitted Uses and Hours of Operation in the Office Buffer District (OBD) on May 25, 2016. Seconded by Mr. Wise, the motion passed 4-0.

6. **ADMINISTRATION**

a. **PSATS Proposed Resolutions**

Mr. Erickson stated a copy of the proposed resolutions up for consideration at the annual conference of the Pennsylvania State Association of Township Supervisors was enclosed with the agenda materials.

Mr. Troxell asked why they are picking on movie theaters about Amusement Tax.

Mr. Troxell stated that he would ask the Board about supporting #16.

b. **COG PRIORITIES**

Mr. Erickson stated that at its March 28, 2016 meeting, the General Forum agreed to use the following approach to continue discussions on the five priority questions that were posed to each COG Committee, Authority, and Board that receives their funding through the COG:

- Receive the Committee/Authority/Board priority memos at the March 28, 2016 General Forum meeting.
- The municipalities identify questions that they may have regarding the Committee/Authority/Board comments and bring those questions to the April 25, 2016 General Forum meeting. At these municipal meetings, the elected members of the respective Committee/Authority/Board should help to respond to questions asked by their Authority/Board/Council governing bodies.
- At its April 25, 2016 meeting, the General Forum refers the questions to the appropriate Committee/Authority/Board for a response.
- The Committee/Authority/Board considers the questions from the municipalities and prepares a response.
- At the May 23, 2016 General Forum meeting, each Committee/Authority/Board Chair presents an overview of the initial comments and the responses to the questions that were asked by the municipalities.

In accordance with the approach, the General Forum unanimously approved the following motion in reference to the five priority questions that were posed to each of the COG Committees, the Centre Region Parks and Recreation Authority, and the Schlow Library Board of Trustees:

“That the General Forum refer the eight Committee/Authority/Board priorities memos to the municipalities for discussion, with any municipal comments or questions being referred back to the COG by April 21, 2016 for inclusion in the General Forum agenda packet for its April 25, 2016 meeting.

Included with the agenda materials are the eight Committee/Authority/Board priorities memos for provided at the General Forum.

The Board had no additional comments on the matter.

7. **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 Safety**

1) **Patrol Car Purchase**

The Police Department is replacing one patrol car this year. The budget includes \$31,689 for the vehicle and accessory equipment. The Department obtained pricing through the COSTARS cooperative purchasing program. A memo from the Chief is included with the agenda materials.

It is recommended that the Board authorize the Police Department to order and purchase a 2016 Ford Police Interceptor from Lake Ford Lincoln of Lewistown, PA, for the price of \$25,448.00.

b. **Administration**

1) **Voucher Report March 2016**

A copy of the 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 March 2016 Voucher Report.

2) **Appointment of Bryce Boyer to the Zoning Hearing Board**

To fill a vacancy resulting from a resignation, the ABC Committee recommends appointing former Supervisor Bryce Boyer to fill a partial term, expiring in January 2018, on the Zoning Hearing Board.

It is recommended that the Board approve the appointment.

3) **Amend Sewage Enforcement Officer Fees**

Mary Kay Lupton, our Sewage Enforcement Officer (SEO), in consultation with the Department of Environmental Protection have recommended that additional fee items should be included in our fee schedule – see attached email chain.

It is recommended that the Board adopt Resolution 2016-006 to add fees for Designs by Alternate SEO and fees related to percolation testing for septic drainage fields.

Mr. Downs brough moved to approve the Consent Agenda. Seconded by Mr. Troxell, the motion passed 4-0.

8. **MANAGER'S REPORT**

a. **Development Update**

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

b. **Health Insurance Refund for 2015**

Mr. Erickson stated that the Township will be receiving a \$57,000 Health Insurance Refund for 2015 and will provide a 4 week holiday of paying for employee share for insurance.

c. **Open Space Task Force Updates**

Mr. Erickson stated that Open Space Task Force met last night and narrowed their list of properties down to 5 properties with an Open House on May 3, 2016.

d. **Housing Starts Graph**

Mr. Erickson stated that the Housing Starts Graph was included with the agenda materials.

e. **County West Nile Virus Surveillance and Control Program**

Mr. Erickson stated that he received the annual correspondence from the County West Nile Virus Surveillance and Control Program.

f. **Gas Line extension to University Park Airport & National Guard**

Mr. Erickson stated that the University is going to have a gas line extension to University Park Airport and the National Guard facility.

g. **Walmart Noise Complaint**

Mr. Erickson stated that he has been corresponding with Mr. Miller in regards to a noise issue with Walmart and stated that the Zoning Officer contacted the management at the store and they stated he will have contractor have all work indoors after 10pm and that he let Mr. Miller know.

9. **COMMITTEE REPORTS**

Mr. Erickson stated that Emergency Management Council discussed the 2016 EM Program Strategic Plan and Long Term Vision.

Mr. Downs brough stated that he feels that the UAJA Nutrient Management is different and it should be handled differently. He asked if Mr. Luck should draft a letter. Mr. Erickson stated he will draft up a letter.

Mr. May stated that at the May 5th Public Services Meeting that COG will be bringing up different options then will go to UAJA Board later in May to show them options.

Mr. Wise stated that Public Safety discussed the proposed appointment of two additional Assistant Fire Marshal Position and the Annual Emergency Medical Services Report.

10. **OTHER BUSINESS**

There was no other business.

11. **ADJOURNMENT**

There being no further business, by Mr. Troxell's motion and Mr. Downs brough's second, the meeting was adjourned at 8:35PM.