

**ATTENDANCE:**

BOARD	Elliot Abrams, Chair Jeff Luck, Vice-Chair George Downsborough, Jr., Supervisor Daniel Treviño, Supervisor Walt Wise, Supervisor	
STAFF	Doug Erickson, Township Manager Lawrence Pegher, Finance Director John Petrick, Chief of Police Stephen Casson, Township Engineer Greg Garthe, Planner Betsy Dupuis, Solicitor	
AUDIENCE	C-NET (3) Patricia Pierce Gatto, Resident Frank Gatto, Resident Patti Wenrick, Resident Lloyd Ashcraft, Resident Karl Davidson, Resident Tom Kearney, Resident Karen Kearney, Resident Jeanne Klanchar, Resident John Hannan, Resident Nick Dubil, Resident Jim Steff, CRCOG	Monica Gastiger, Farm Cafe Lisa Ashcraft, Resident Patrick Pabian, Resident Candace Price, Resident Kevin Abbey, Clearwater Conservancy Kaye Winters, Resident Don Winters, Resident Frank Savino, Trombley Real Estate Mary Lou Dubil, Resident Rachel Fawcett, CCHLT Joe Viglione, CRCOG

**1. CALL TO ORDER**

The November 2, 2016 Patton Township Board of Supervisors meeting held at the Township Municipal Building was called to order at 7:02 PM by Chair Elliot Abrams.

**2. APPROVAL OF MINUTES**

Mr. Luck moved to approve the October 19, 2016 meeting minutes. Seconded by Mr. Downsborough, the motion passed 5-0.

**3. PUBLIC COMMENTS**

There was no public comments.

**4. PUBLIC HEARING: AMENDING THE A-1 (RURAL) ZONING DISTRICT TO PERMIT FARM CAFES AS A CONDITIONAL USE**

From the September 12<sup>th</sup> Planning Commission agenda:

Duke and Monica Gastiger have requested that the Township consider adding Farm Cafes as a permitted use in the A-1 (Rural) zoning district. The Gastigers characterized a Farm Café as such:

A true Farm Café depends on strong relationships with local farmers and ranchers utilizing their offerings almost exclusively to determine the Café's daily menu options. A Farm Café does not tell the farmer/rancher what to grow or raise, but instead builds the menu around what the farmer/rancher has determined is best planted for that farm's soil integrity. The Farm Café foods are fresher, more simply prepared with more emphasis on healthier eating. RE Farm Café will directly connect people to food to culture and to each other...building community.

4. **PUBLIC HEARING: AMENDING THE A-1 (RURAL) ZONING DISTRICT TO PERMIT FARM CAFES AS A CONDITIONAL USE (CONTINUED)**

Simply, a Farm Café is an integral part of a healthy and local food system, an agricultural entity, which a typical restaurant is not.

At their July 20, 2016 meeting, the Board of Supervisors received a presentation by the Gastigers and referred the request to the Planning Commission for a recommendation on whether to allow farm cafes in the A-1 district and how to regulate their use.

The Planning Commission received the Gastigers' presentation at their August 1, 2016 work session. Previously, the Gastigers had worked with Ferguson Township to develop an ordinance allowing farm cafés in their Rural Agricultural District. However, the plans for the farm café fell through, even though the use was permitted by the township. The Gastigers are now hoping to work with Patton Township to develop regulations that would permit farm cafés in the A-1 district. The Planning Commission discussed the proposed use and were generally supportive. In addition to the presentation, the existing Patton Township regulations for Community Supported Agriculture operations in the A-1 district were provided for review because there are similarities in the uses. Also, the Ferguson Township farm café ordinance was provided and discussed. The Planning Commission directed staff to begin drafting regulations that incorporated elements of both sets of regulations. A first draft is provided for review at this work session. (the above referenced documents can be viewed by [clicking here](#))

The draft ordinance proposes adding "farm cafés" to the list of Conditional Uses in the A-1 district and includes additional language specifying minimum lot size and hours of operation. The ordinance also contains additional provisions addressing land use and operational requirements, protection of the land through a conservation easement, parking, food sourcing, and retail sales.

The following items were included with the agenda:

1. Request for adding Farm Cafes as a permitted use in the A-1 (Rural) district and additional background information on the proposed use in the form of an email exchange between Monica Gastiger and the Township Manager
2. Proposed Ordinance 2016-XX; "Farm Cafés" (the above referenced documents can be viewed by [clicking here](#))

End of Planning Commission agenda materials.

On September 14, the Board of Supervisors received the Planning Commission's recommendation for approval and scheduled a Public Hearing for October 26<sup>th</sup>. A discussion on the need for the original section (b)[2] (see above document references) was held and it was decided to remove that section from the ordinance.

Following changes to the October meeting schedule, the Hearing was rescheduled to November 2, 2016.

Notices of the Public Hearings were mailed to all property owners in the A-1 District – see attached agenda materials.

The proposed Ordinance 2016 – 573 was also included with the agenda materials.

Comments from the Centre Regional Planning Commission were included with the agenda materials. Comments from the Centre County Office of Planning and Community Development are expected before the meeting.

4. **PUBLIC HEARING: AMENDING THE A-1 (RURAL) ZONING DISTRICT TO PERMIT FARM CAFES AS A CONDITIONAL USE (CONTINUED)**

The Planner has provided a memo recommending a minor revision to the definition of Farm Café to now include the phrase “prepares and serves food grown, **raised, or produced** onsite, locally, or within Pennsylvania ...”

Mr. Downsborough moved to approve the amendment as a minor revision. Seconded by Mr. Luck, the motion passed 5-0.

a. **Public Hearing**

The Public Hearing for the proposed Amendments to the A-1 (Rural) Zoning District to Permit Farm Cafes as a Conditional Use was convened at 7:04PM.

Mr. Luck moved to close the Public Hearing for the proposed Amendments to the A-1 (Rural) Zoning District to Permit Farm Cafes as a Conditional Use at 7:05PM. Seconded by Mr. Downsborough, the motion passed 5-0.

b. **Action Consideration**

Mr. Luck moved to approve the proposed Amendments to the A-1 (Rural) Zoning District to Permit Farm Cafes as a Conditional Use. Seconded by Mr. Treviño, the motion passed 5-0.

5. **PUBLIC HEARING: AMENDING THE PATTON CODE TO REGULATE BURIALS IN FAMILY BURIAL PLOTS**

From the September 12<sup>th</sup> Planning Commission agenda:

A draft ordinance entitled “Burial of Human Remains” was presented at the June 6, 2016 Planning Commission meeting. The Township previously received an inquiry as to the legal status of entombing the remains of deceased family members on an individual’s property. The draft ordinance includes proposed requirements for setbacks from adjoining properties and nearby streams and drinking water sources, as well as other provisions intended to ensure the general health, safety, and welfare of the citizens of the Township.

The Planning Commission discussed the draft ordinance and determined that there were a number of unresolved concerns with the regulations. They were not ready to make a recommendation to the Board of Supervisors, and requested revisions to the ordinance. A revised draft is being presented for discussion at this meeting.

The following item was included with the agenda:

Proposed Ordinance 2016-XX; “Burial of Human Remains” (the above referenced documents can be viewed by [clicking here](#))

End of Planning Commission agenda materials.

On September 14, the Board of Supervisors received the Planning Commission’s recommendation for approval and scheduled a Public Hearing for October 26<sup>th</sup>.

Following changes to the October meeting schedule, the Hearing was rescheduled to November 2, 2016.

Notices of the Public Hearings were mailed to all property owners in the A-1 and R-1 Districts – see attached agenda materials for prior item.

The proposed Ordinance 2016 – 574 was also included with the agenda materials.

5. **PUBLIC HEARING: AMENDING THE PATTON CODE TO REGULATE BURIALS IN FAMILY BURIAL PLOTS (CONTINUED)**

a. **Public Hearing**

The Public Hearing for the proposed Amendments to the Patton Code to Regulate Burials in Family Burial Plots was convened at 7:10PM.

Ms. Wenrick asked how this affects her family due to the fact that they already have one. Mr. Erickson stated that it will be grandfathered in.

Mr. Abrams asked what happens when the land is sold. Mr. Erickson stated that the deed that transfers the property makes note that there are burials on the property.

Ms. Dupuis stated that there is a legal process that needs to be gone through before anything in a burial plot can be moved.

Mr. Luck moved to close the Amendments to the Patton Code to Regulate Burials in Family Burial Plots Public Hearing at 7:15 pm. Seconded by Mr. Treviño, the motion passed 5-0.

b. **Action Consideration**

Mr. Luck moved to approve the proposed Amendments to the Patton Code to Regulate Burials in Family Burial Plots. Seconded by Mr. Treviño, the motion passed 5-0.

6. **PUBLIC SAFETY**

a. **Ordinance to Prohibit Vehicle Repairs Upon Public Streets**

From the October 19<sup>th</sup> Board agenda

Residents of Leawood Lane and Chateaux Circle in Park Forest are requesting that the Township consider enacting parking regulations to prohibit someone from leaving a vehicle on the street in the manner illustrated in the included photograph – up on four jack stands with all tires removed.

In the instance at hand, the vehicle was licensed, registered and insured – therefore a legal motor vehicle under the terms of the PA and Patton Codes. After the vehicle had been left in this condition for at least 24 hours, the Manager visited with the owner who agreed to complete the work on the vehicle by the end of the day.

The Police Chief and Manager are researching if other communities regulate this behavior and under what conditions is such a vehicle deemed “illegally” parked. It is anticipated that additional information will be provided prior to the meeting.

End of the [October 19<sup>th</sup> Board agenda](#) material

At the meeting the Police Chief provided examples of parking regulations in place in other Pennsylvania municipalities to address the issue.

The Board directed the Manager and Police Chief to prepare an ordinance for consideration modeled after the regulations from Emmaus, PA.

The proposed Ordinance 2016 – 575 was included with the agenda materials and has been advertised for potential action this evening. The owner of the vehicle that generated the request for a change is aware of the pending regulation.

6. **PUBLIC SAFETY (CONTINUED)**

a. **Ordinance to Prohibit Vehicle Repairs Upon Public Streets (CONTINUED)**

Ms. Gatto stated that she wanted to thank Mr. Erickson and Chief Petrick for going ahead with an ordinance that will prohibit vehicle repairs except those do to an emergency.

Mr. Pabian stated that most residents never brought it up as a safety issue that mostly that it is an eye sore. He stated that this is not a day to day occurrence. He stated that by the time he was aware of this situation he did not have adequate time to ask other residents of their opinion and get a better representation of Park Forest and not just one street.

Mr. Treviño asked if he gets paid to work on cars. Mr. Pabian stated that sometimes he helps friends but it is mostly is a hobby. Mr. Trevino stated that he is using a public street for your own personal gain and he does not think that is appropriate.

Mr. Luck stated that the Board has heard several complaints and that the ordinance was brought up due to this being a possible safety issue.

Mr. Wise suggested making the time permitted for emergency repair be longer than one hour.

Ms. Price asked if a poll could be done for the whole township or at least amend it for a longer period of time.

Ms. Gatto stated we are talking about the public street not someone's property.

Ms. Klancher stated that this has not happened before because it is not common practice.

Mr. Gatto stated that he is concerned about the cars being up in jack stands and dangerous tools that have been left on the street.

Mr. Downsborough stated that nothing that the Board could do tonight would help with the neighbor to neighbor relationship.

Mr. Pabian asked for a public hearing if possible.

The Board agreed to reconsider this issue at the November 16, 2016 meeting and directed the Manager to advertise to get additional resident input.

b. **Ordinance to Establish Traffic Regulations on Various Township Streets and Remove Regulations No Longer Required**

At the October 19<sup>th</sup> meeting the Board established temporary traffic regulations for several Township Streets. The Patton Code requires that temporary regulations should be adopted by ordinance within 90 days.

The Manager found additional temporary regulations established in the last year and incorporated those into the ordinance to be considered.

Public Works staff also identified two regulations no longer required due to a street name change and a street vacation.

The proposed regulations include:

- Speed limit of 25 mph on new streets: Dean's Way, Woodledge Drive, Briar Court and Colonnade Boulevard.

- Stop signs on Dean's Way, Woodledge Drive, and Briar Court
6. **PUBLIC SAFETY (CONTINUED)**

b. **Ordinance to Establish Traffic Regulations on Various Township Streets and Remove Regulations No Longer Required (CONTINUED)**

- Left turn prohibition from Park Forest Avenue to N. Atherton St.
- School Speed Zones on portions of Gray's Woods Blvd., Hunter Wood Way, Brackenbourne Dr., and Amblewood Way
- No Parking on portions of Toftrees Ave.
- Remove reference to Lowe's Blvd. regarding speed limits
- Remove Stop regulation on a portion of Clearview Ave that was vacated

The proposed Ordinance 2016-576 was included with the agenda materials and has been advertised for potential action this evening.

Mr. Luck moved to approve Ordinance 2016-576 to Establish Traffic Regulations on Various Township Streets and Remove Regulations No Longer Required. Seconded by Mr. Treviño, the motion passed 5-0.

7. **PUBLIC WORKS**

a. **Appreciation for Support for October 20/21 Flooding**

Mr. Erickson stated that the extremely heavy rain that fell overnight on October 20 and 21 caused extensive damage to parts of the Township. Within the Centre Region, Patton Township had far more issues than our neighboring municipalities. Offers of assistance were made to the Manager as early as 8:30 am on Friday. A few photos of the damage on Julian Pike and Purdue Mountain Road were included with the agenda materials.

By the end of the day College, Ferguson and Harris Townships; and State College Borough all had supplied personnel and equipment to assist with hauling stone to the sites to fill in washouts and prevent further erosion to the road beds. Additionally, the following vendors performed far above expectations to assist with the recovery efforts:

- Ameron Construction and Glenn O. Hawbaker, Inc., made crews available with very little notice
- Lane Enterprises delivered new culvert pipe within 2 hours of placing the order
- Hanson Aggregates kept their quarry open late so we could get sufficient stone to make repairs

Costs of the repair and recovery effort are being compiled and will be reported to Emergency Management as they become available. The Manager has made a preliminary estimate that the total costs for infrastructure repairs will be in the range of \$50,000. The County EMA is compiling the county wide costs incurred from the flooding, both public and private, and will make application to PEMA and FEMA for disaster declarations and reimbursement assistance.

Residents and businesses who suffered flooding or water damage, including leaking roofs, are asked to call the Centre County Emergency Management Agency and report their situation and expected costs. Please call 814-355-6745.

The Public Works Director sent letters of appreciation to all the parties who assisted and the Manager reached out personally to thank his colleagues.

This item was for information only and no Board action is required at this time.

8. **PLANNING AND ZONING**

The Planning Commission is scheduled to meet on November 7<sup>th</sup>. Any recommendations from that meeting will be included on the November 16<sup>th</sup> Board agenda.

a. **Request to add Nursing Home as a Permitted Use in the Planned Airport District**

Mr. Erickson stated that a request has been submitted to add Nursing Homes as a permitted use in the Planned Airport District (PAD). Recall that unlike most zoning districts, the PAD tightly details specific types of permitted uses; and if a use is not listed in Table 1 it is deemed to be prohibited. (Staff has started reviewing the PAD regulations to address this issue along with several other aspects of the current regulations.)

A nursing home operator is considering a home on a portion of the Nittany Valley Sports Centre property. The agenda materials include the request letter along with an exhibit, and the current Table 1 from the PAD regulations.

Mr. Downsborough moved to forward the request to the Planning Committee for study and a recommendation. Seconded by Mr. Wise, the motion passed 5-0.

b. **Definition for Churches and Other Places of Worship**

Mr. Erickson stated that the October 19<sup>th</sup> meeting included an item to consider permitting Churches as a use in the Non-residential portion of the PAD. That discussion raised the question of “what constitutes a ‘church’ ” and does it include places of worship such as temples and mosques.

The current Township zoning regulations do not provide a definition for “church.” As such the Zoning Officer would use the common definition as a “place of religious worship” and find that structures such as a temple or a mosque would be permitted in the same locations that permit a church.

If the Board would like to enact a broader definition, the Planner has proposed the following language:

**CHURCHES AND OTHER PLACES OF WORSHIP**

The use of land or structures for religious worship, education, and related activities; includes chapels, cathedrals, temples, mosques, synagogues, and the like.

This addition to the definitions could be included with the ordinance to permit Churches as a use in the Non-residential portion of the PAD that is scheduled for a Public Hearing on December 14, 2016.

The Solicitor suggested a review of federal regulations should be conducted to ensure our definition does not conflict with those. The Board agreed to hold a Public Hearing on December 14, 2016 meeting, unless changes are required by the aforementioned review.

9. **ADMINISTRATION**

a. **Request for Funding from the Centre County Housing and Land Trust (CCHLT)**

Mr. Erickson stated that at the October 19<sup>th</sup> meeting a representative from CCHLT provided a brief presentation on their mission and the land trust model for affordable housing, and made a verbal request for funding. The Manager was directed to review the request and review the Donation Policy adopted by the Board in 2015.

The agenda materials included a written request from CCHLT for \$5,000 for annually for three years, and the Township Donation Policy. CCHLT has also submitted proof of their non-profit status and their latest Form 990 filed with the IRS; these documents are available on request to the Manager.

9. **ADMINISTRATION (CONTINUED)**

a. **Request for Funding from the Centre County Housing and Land Trust (CCHLT) (CONTINUED)**

The Manager notes that “affordable housing” is one of the funding priority areas listed in the Donation Policy.

Mr. Treviño asked which municipalities are being contacted by CCHLT. Ms. Fawcett stated Centre County, Ferguson Township, Harris Township and College Township have been contacted. She stated that they did not contact State College Borough due to the fact they have their own land trust.

Mr. Treviño moved to approve Funding to the Centre County Housing and Land Trust of \$5,000 annually for three years. Seconded by Mr. Wise, the motion passed 5-0.

b. **Request for Funding from Clearwater Conservancy**

Mr. Abbey stated that Clearwater Conservancy has started a campaign to raise funds to “permanently conserve 300 acres of agricultural land immediately outside the regional growth boundary along University Drive extension.” Most of the subject parcels are in College Township.

Clearwater is requesting funding from seven municipalities and the State College Borough Water Authority to make up half of the expected \$2,750,000 acquisition price. They expect to raise the remainder from the private sector.

Clearwater is requesting \$125,000 from Patton Township. The agenda materials include the request letter, mapping of the proposed acquisition and a table of the requested funding from the public sector.

Mr. Downsborough stated that he questions that 97% of Patton Township receives public water.

The Board agreed to include this on the December 14, 2016 Agenda.

c. **Council of Governments Budget Review**

Mr. Erickson stated from the October 25<sup>th</sup> COG General Forum Follow-up memo:

At its October 24, 2016 meeting, the General Forum unanimously approved the following motion that continues the review process for the 2017 Summary Budget:

***“That the General Forum receive the draft 2017 Summary Budget for the Centre Region Council of Governments and refer it to the municipalities for consideration; and, furthermore, that comments be referred to the COG Executive Director by 8:30 AM on Thursday, November 17, 2016.”***

The Summary Budget incorporates comments provided by the municipalities following their review of the 2017 Program Plan as well as the revisions recommended by the Finance Committee during their review sessions with the COG Agency Directors. For the first time in 2016, the Finance Committee’s

budget review sessions were cablecast on C-NET, Channel 7, and are available for webstreaming at <http://cnet1.org/video/ShowByMember/5/>

From the October 25<sup>th</sup> COG General Forum Follow-up memo (continued):

Below is a link to the Summary Budget. It can also be accessed at the COG’s website at [www.crcog.net](http://www.crcog.net) under the “News” section.

9. **ADMINISTRATION (CONTINUED)**

c. **Council of Governments Budget Review (CONTINUED)**  
[2017 COG Summary Budget](#)

End of the General Forum Follow-up memo material

The Board had no comments.

d. **Capital Improvement Plan 2017 to 2021**

Mr. Pegher presented the initial draft of 2017 – 2021 Capital Improvement Plan (CIP) at the October 19 Board meeting. The presentation included:

- An overview of forecasted revenues, operating expenditures, current debt service, and on-going capital expenditures for the next five years
- The Manager's recommendation for new initiatives (capital projects and other significant expenditures) for inclusion in the five-year plan.
- A forecast of anticipated tax rates required to support the Manager's recommendation.

The Board received the Plan and provided direction to the Manager for preparation of the next draft to include funding for a solar panel installation on the Shop building and an expansion of the Community Gardens. The Finance Director was also asked to look at scenarios that reduced the ending cash balance to an amount closer to the targeted 8% to 12% of annual expenditures. One additional project, replacement of guide rail on Julian Pike, has also been added to the plan.

The plan for capital projects and other significant expenditures scheduled for 2017 will then be incorporated into the Annual Budget to be presented in November.

The updated draft Capital Improvement Plan 2017– 2021 was included with the agenda materials. The Director of Finance and Administration will provide an overview of the updated CIP.

The Board agreed to move the CIP to the December 14, 2016 meeting for approval.

e. **Ordinance to Authorize Borrowing from the Pennsylvania Infrastructure Bank (PIB)**

Mr. Erickson stated that the Township has been approved by PennDOT for an \$800,000 PIB loan. These funds will cover the local match for projects planned for the Valley Vista Drive corridor for which we have received or applied for state grants.

The term of the loan is ten years at 1.75% interest, with interest-only payments due in the first year. The Loan Agreement is included with the on-line agenda.

Proposed Ordinance 2016 – 571 authorizes the borrowing and was included with the agenda materials. The Township must also receive approval from the state Department of Community and Economic Development prior to finalizing the borrowing.

Mr. Luck moved to adopt Ordinance 2016 – 571 to Authorize Borrowing from the Pennsylvania Infrastructure Bank. Seconded by Mr. Downsborough, the motion passed 5-0.

f. **Ordinance to Amend Police Pension Plan to Include Deferred Retirement Option Plan (DROP)**

Mr. Erickson stated that the recently adopted collective bargaining agreement between the Township and the Police Officers Association included provisions for providing a DROP for officers who are eligible for retirement (must be both at least age 55 and have 25 years of service). The DROP is optional for the officers and would be in place for no more than three years, at which time the officer is required to retire.

9. **ADMINISTRATION (CONTINUED)**

f. **Ordinance to Amend Police Pension Plan to Include Deferred Retirement Option Plan (DROP)**

The proposed ordinance to amend the Pension Plan has been advertised and is included with the agenda materials.

Mr. Luck moved to adopt Ordinance 2016 – 577 to Amend Police Pension Plan to Include Deferred Retirement Option Plan. Seconded by Mr. Downsborough, the motion passed 5-0.

10. **MANAGER'S REPORT**

a. **ABC DINNER 2017**

Mr. Erickson stated that the tentative date for the ABC Dinner is Friday, January 27, 2016 at Toftrees Resort.

b. **October 27<sup>th</sup> Centre County Economic Development Partnership Summit**

Mr. Erickson provided a brief summary on the Centre County Economic Development Partnership Summit held on October 27<sup>th</sup>.

c. **2017 Budget**

Mr. Erickson stated that the 2017 Budget will be distributed by Friday and that it will be discussed at the November 9<sup>th</sup> meeting.

d. **ABC Committees**

Mr. Erickson stated that there will be openings in the Library Board, UAJA, Industrial Commercial Development Authority and Planning Commission

11. **COMMITTEE REPORTS**

Mr. Luck asked Mr. Treviño to attend Parks Capital in his place on November 10, 2016.

10. **OTHER BUSINESS**

There was no other business.

11. **ADJOURNMENT**

Mr. Luck moved to adjourn the Board of Supervisors Meeting at 9:14PM. Seconded by Mr. Downsborough, the motion passed 5-0.

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Douglas J. Erickson, Township Secretary