

**ATTENDANCE:**

BOARD	Elliot Abrams, Chair Jeff Luck, Vice-Chair Daniel Treviño, Supervisor Walt Wise, Supervisor
STAFF	Doug Erickson, Township Manager Lawrence Pegher, Finance Director Betsy Dupuis, Solicitor Stephen Casson, Township Engineer Greg Garthe, Planner John Petrick, Chief of Police
ABSENT	George Downsborough, Jr., Supervisor
AUDIENCE	C-NET (2) Tony Fruchtl, Penn Terra Derek Hutchison, Landmark Jim Bob McElroy, Williams & Associates Jeff Walker, Brown Shultz Sheridan & Fritz Doug Hill, Wooster

1. **CALL TO ORDER**

The February 8, 2017 Board of Supervisors meeting was called to order at 7:02PM by Elliot Abrams, Chair.

2. **APPROVAL OF MEETING MINUTES**

Mr. Luck moved to approve the January 25, 2017 meeting minutes. Seconded by Mr. Treviño, the motion passed 4-0.

3. **PUBLIC COMMENTS**

There were no public comments.

4. **PUBLIC SAFETY**

a. **2017 Junior Police Academy**

Chief Petrick stated that the Police Department annually hosts a program for 15 to 18 year olds interested in careers in criminal justice. He stated that the 2017 Academy will begin on February 21<sup>st</sup> and there is no fee to attend.

5. **PLANNING & ZONING**

a. **Planning Commission Report**

Mr. Silvis stated that the Planning Commission discussed the revised Master Plan for the Toftrees Community and Nittany Valley Sports Centre.

**Mr. Wise left the meeting.**

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

b. **Planning Commission Recommendations**

The Planning Commission (PC) met on February 6, 2017. A copy of the PC agenda was included with this meeting's agenda materials. The PC is reviewed the following items:

(1) **Revised Master Plan – Toftrees Planned Community (PC Item 4)**

*From the February 6<sup>th</sup> Planning Commission Agenda:*

The Township received this revision to the approved master plan on December 6, 2016. The proposed revisions involve parts of Toftrees East currently referred to as Pinnacle Development Sections 11, 13, 16, 17, 19, and 25. These areas are located on the north side of Toftrees Avenue, and are bordered by the Woodledge Drive Development, Squirrel Run Apartments, and the Toftrees golf course. On the currently approved master plan, the area is planned for a mix of single family homes and multi-family apartments. The revised master plan proposes the following amendments:

*From the February 6<sup>th</sup> Planning Commission Agenda (Continued):*

- Elimination of proposed single family units in Pinnacle Development Sections 11, 13, 16, 17, 19, and 25
- Construction of a multi-family development known as *The Station*, which would feature a variety of housing unit types including detached residential cottages and duplex cottages, and attached multi-unit cottages and stacked townhomes
- Construction of onsite amenities including an outdoor recreation area with a pool and clubhouse, and several other potential recreational facilities

A Traffic Impact Study (TIS) for the proposed *The Station* project was submitted along with the master plan revisions. Based on the anticipated dwelling unit occupancy of *The Station*, the study provided the following conclusions:

- The development is projected to have negligible impact on the surrounding roadways and intersections as compared to the development proposed by the approved 2014 master plan.
- Traffic in the area is projected to maintain a Level-of-Service "B" or better.
- An eastbound left turn lane is warranted at the Toftrees Avenue/Cricklewood Drive intersection under existing traffic conditions.
- A number of trees, vegetation, and an embankment along the north side of Toftrees Avenue should be removed to improve sight distance for motorists utilizing the proposed site driveway.

The eastbound left turn lane on Toftrees Avenue at the Cricklewood Drive intersection will be installed by the developer.

At their January 9, 2017 meeting, the Planning Commission reviewed and discussed the plan and referred it to the Centre Regional Planning Commission (CRPC) for comments.

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

b. **Planning Commission Recommendations (CONTINUED)**

(1) **Revised Master Plan – Toftrees Planned Community (PC Item 4)**

On January 27, 2017, the project engineer submitted an updated version of the master plan to address a number of outstanding items from the staff comment letter. A letter from the project engineer discussing the changes is provided for review.

One of the outstanding items was the addition of notes to the master plan related to a number of anticipated public safety concerns associated with common areas in future developments where increased occupancy may be permitted. The Township met with personnel from the Centre Region Code Agency, Regional Fire Protection Program, and Office of Emergency Management, as well as the Patton Township Police in an effort to identify ways to mitigate negative impacts early-on in the planning stages. The requested notes on the master plan relate to occupancy limits of, and separation between, communal gathering areas, as well as additional conditions related to parking requirements and visual design and character. The requested plan notes are provided for discussion.

The CRPC reviewed the master plan at their February 2, 2017 meeting and have provided a comment letter to the Township.

*From the February 6<sup>th</sup> Planning Commission Agenda (Continued):*

The following items were included with the agenda:

1. A location map of the property
2. An 11"x17" copy of the resubmitted master plan
3. A marked up copy of staff's comment letter
4. A marked up copy of a letter from the project engineer discussing the additional items addressed with the resubmission
5. Information on sound attenuation fencing proposed for *The Station* development
6. Additional master plan notes requested by the Township
7. CRPC comment letter

*End of Materials from the Planning Commission Agenda:*

**Planning Commission Recommendation**

The Commission recommends approval of the plan with the following conditions:

1. Completion of all items noted on staff's marked up comment letter and additional items noted on marked up letter provided by the project engineer
2. Inclusion of additional plan notes (Item 6 above) proposing conditions for developments in the Toftrees Planned Community for: (a) gathering areas for large crowds at multi-family developments, and

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

b. **Planning Commission Recommendations (CONTINUED)**

(1) **Revised Master Plan – Toftrees Planned Community (PC Item 4)**

- (b) those subject to increased occupancy limits (see next PC agenda item)
- 3. Consideration of comments provided by the CRPC (see responses in agenda materials)
- 4. Approval of change in occupancy regulations by the Board of Supervisors (*see next agenda item*)

**Next Steps**

Following a presentation from the developer and comments/questions from the Board and public, the Board should determine if they have sufficient information to move this Master Plan Revision to a Public Hearing.

The earliest meeting date for a Public Hearing would be March 22, 2017.

Mr. Luck moved to schedule the Public Hearing for the Revised Master Plan – Toftrees Planned Community on March 22, 2017. Seconded by Mr. Treviño, the motion passed 3-0.

(2) **Request to Consider Change to Occupancy Regulations for Proposed Development in Toftrees (PC Item 5)**

*From the December 14, 2016 Board meeting agenda:*

A request has been submitted asking the Township to consider amending occupancy regulations to permit the development of a proposed multi-family development. As stated in the letter, “The request is to add language to the ordinance to allow up to five unrelated persons to occupy a single residential unit.”

Along with the request, regulations adopted by College Township in 2011 were provided as a sample of how the occupancy regulation could be amended to apply to a limited class of developments. (see Section “Z” on the second page of the regulations). In College Township the occupancy limit applies to The Retreat community on Waupelani Drive.

The Manager recommends that the request be forwarded to the Planning Commission for study and recommendation, along with direction to investigate additional limitations where this occupancy level could be utilized.

The developers have also submitted an amendment to the Toftrees Master Plan for the proposed multi-family development, which is under review by the Planning Commission.

*End of Board meeting agenda material*

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

b. **Planning Commission Recommendations (CONTINUED)**

(2) **Request to Consider Change to Occupancy Regulations for Proposed Development in Toftrees (PC Item 5)**

*From the From the February 6<sup>th</sup> PC meeting agenda:*

The Board of Supervisors referred the request to the Planning Commission for study and a recommendation. The Commission discussed the request at their January 9, 2017 meeting and received questions and concerns from several residents including whether the increase in occupancy would apply to nearby existing developments such as The Village at Penn State, what traffic impacts could be realized from such a development, how noise effects on abutting residential properties could be mitigated, standards for aesthetics of buildings and landscaping areas, and methods of enforcing occupancy in the dwelling units and any communal gathering areas.

Upon conclusion of the discussion, the Planning Commission directed staff to draft an ordinance that would amend the Township's Planned Community zoning regulations to permit the increased occupancy for a limited class of developments in the Toftrees Planned Community. A draft ordinance is being presented at this meeting. The regulations contain provisions related to the applicability of the increased occupancy, and additional conditions on fire protection, minimum/maximum lot size, building ownership, and rental arrangements. The Township has proposed that developments subject to increased occupancy would be permitted only in areas with an allowable density of no greater than 9.00 units per acre, and no more than 35% of the total number of units could be 5-bedroom units. The developer has requested an exception to this to allow such developments in areas with a permitted density of 9.01 to 15.00 units/acre if the total number of 5-bedroom units were limited to 25% of the total. Staff neither endorses nor objects to its inclusion, so the appropriate language has been written into the draft for consideration.

The CRPC reviewed and discussed the request to increase occupancy at their February 2, 2017 meeting and have provided a comment letter to the Township.

The following items are included with the agenda:

1. Request letter asking the Township to consider amending the zoning regulations to allow up to five unrelated persons to occupy a single residential unit
2. CRPC comment letter
3. Definitions from the Township Code related to dwelling units
4. Draft ordinance amending the Planned Community zoning district regulations to allow up to 5 unrelated persons for a limited class of developments within the Toftrees Planned Community

*End of Materials from the Planning Commission Agenda*

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

b. **Planning Commission Recommendations (CONTINUED)**

(2) **Request to Consider Change to Occupancy Regulations for Proposed Development in Toftrees (PC Item 5)**

**Planning Commission Recommendation**

The Commission recommends approval.

**Next Steps**

Following a presentation from the Planner and comments/questions from the Board and public, the Board should determine if they have sufficient information to move this proposed ordinance to a Public Hearing.

The earliest meeting date for a Public Hearing would be March 22, 2017.

Mr. Luck moved to schedule the Public Hearing for the Request to Consider Change to Occupancy Regulations for Proposed Development in Toftrees. Seconded by Mr. Treviño, the motion passed 3-0.

(3) **Nittany Valley Sports Centre - Revised Master Plan #2 (PC Item 6)**

*From the From the February 6<sup>th</sup> PC meeting agenda (Continued):*

The Township received this revision to the approved master plan on December 6, 2016. The site is a 60.68 acre tract located to the northwest of the Fox Hill Road/Bernel Road intersection in the Planned Airport District (PAD). The revised master plan proposes the following amendments:

- **Revised Phase 1 development area (area north of Champion Drive)**
  - Revised Phase 1a scope
    - Development of a 68,473 ft<sup>2</sup> indoor sports facility (decrease of 16,093 ft<sup>2</sup>)
    - Decreased the number of parking spaces in the phase to 231 (moved the remaining 99 spaces to Phase 1b)
    - Shifted the outdoor multi-purpose turf field with lights to Phase 1c and the additional outdoor multi-purpose turf field to Phase 1d
  - Revised Phase 1b
    - Development of a 64,625 ft<sup>2</sup> indoor sports expansion (increase of 27,965 ft<sup>2</sup>)
  - Revised the development on Lot 3
    - Proposed a 20,400 ft<sup>2</sup>, community center as Phase 1f of development (formerly proposed as 20,400 ft<sup>2</sup> office/retail trade facility)
    - Adjusted the location of the shared driveway access at Bernel Road (driveway now entirely on Lot 3)
- **Revised Phase 2 development area (area south of Champion Drive)**
  - Subdivision of existing Lot 5 into individual lots for Phases 2a (Lot 6), 2b (Lot 8), 2e (Lot 9), and 2f (Lot 7) and renames the residual tract (Phases 2c and 2d) to Lot 5R

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

b. **Planning Commission Recommendations (CONTINUED)**

**(3) Nittany Valley Sports Centre - Revised Master Plan #2 (PC Item 6)**

- Relocation of the access driveway to the duplex development on proposed Lot 6 (Phase 2a). The driveway now connects directly to Champion Drive and the private internal connection road between the duplex development and the adjacent Phase 2b lots has been eliminated. In its place, a pedestrian walkway/emergency access path has been provided to connect the duplex site to the adjacent future development areas.

The proposed development of a nursing home on Lot 3 is subject to the approval of “nursing homes” as a permitted use in the PAD. At their January 25, 2017 meeting the Board of Supervisors held a public hearing for an ordinance that would allow the use, but referred the item back to the Planning Commission in response to a number of comments and concerns received. Accordingly, the master plan was resubmitted to the Township on February 3, 2017 with the specific proposal for a nursing home on Lot 3 removed. If the nursing home use is approved at a later date, the developer can resubmit the land development plan for the nursing home and request a minor amendment to the master plan, which can be granted as part of the land development plan. An item related to the use of nursing homes in the PAD will be included on the March 13, 2017 agenda.

The CRPC reviewed the master plan at their February 2, 2017 meeting and have provided a comment letter to the Township.

The following items were included with the agenda:

1. A location map of the property
2. An 11”x17” copy of the resubmitted master plan
3. A marked up copy of staff’s comment letter
4. CRPC comment letter

*End of Materials from the Planning Commission Agenda*

**Planning Commission Recommendation**

The Commission recommends approval of the plan with the following conditions:

1. Completion of all items noted on staff’s marked up comment letter
2. Consideration of comments provided by the CRPC

**Next Steps**

Following a presentation from the developer and comments/questions from the Board and public, the Board should determine if they have sufficient information to move this Master Plan Revision to a Public Hearing.

The earliest meeting date for a Public Hearing would be March 22, 2017.

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

b. **Planning Commission Recommendations (CONTINUED)**

(3) **Nittany Valley Sports Centre - Revised Master Plan #2 (PC Item 6)**  
**Additional PC Items related to the Nittany Valley Sports Centre**

The remaining items on the PC agenda (PC Items 7, 8 & 9) are Land Development Plans or Subdivision Plans for specific properties included under the NVSC Master Plan. As such, they cannot be approved until the Master Plan revision is first approved by the Board of Supervisors.

The Manager recommends that the Board review these plans at the same meeting with the Public Hearing on the Master Plan revision.

The three plans were reviewed by the PC and recommended for conditional approval. They could be reviewed tonight if the Board chooses – the documents are included with the PC agenda materials.

**For Future Consideration**

When the previous version of the Master Plan was approved in January of 2016 a note was added to the plan stating:

“That the installation of sidewalks along Fox Hill and Bernel Roads be considered at each phase of the land development plan approval process.”

The issue was raised with the Decibel Duplex Land Development Plan and the Commission is recommending the installation of sidewalks along Bernel Road.

Mr. Luck moved to schedule the Public Hearing for the Nittany Valley Sports Centre – Revised Master Plan #2 on March 22, 2016. Seconded by Mr. Treviño, the motion passed 3-0.

6. **ADMINISTRATION**

a. **Settlement Agreement with Penn State on Fee-In-Lieu Property**

Mr. Erickson stated that Patton Township receives an annual payment from Penn State as compensation for providing public services to tax exempt properties. The 2017 payment is expected to be approximately \$44,000. Penn State also owns properties that fall outside of their primary education and research missions for which they provide additional fee-in-lieu of tax payments to the municipality where the property is situated. These other properties are included on a list that is titled Schedule “A.” This list was created with a 2008 settlement agreement between the University and the municipalities and Centre County. There are no Schedule “A” properties within Patton Township.

In 2016 State College Borough requested mediation, as provided for in the 2008 agreement, regarding the use of the “mezzanine level” of the campus bookstore. The University and Borough subsequently reached a tentative agreement prior to mediation regarding the “mezzanine level” of the campus bookstore and future

6. **ADMINISTRATION (CONTINUED)**

a. **Settlement Agreement with Penn State on Fee-In-Lieu Property (CONTINUED)**

franchises or commercially licensed stores outside the spaces currently occupied by Schedule "A" properties.

Patton Township was a party to the original 1992 agreement and subsequent amendments. As such the Patton Township Board of Supervisors is asked to approve this latest Schedule "A" Agreement between the County, State College Borough, Patton Township, Ferguson Township, Harris Township and The Pennsylvania State University. The proposed agreement is included with the agenda materials. The current Schedule "A" is available upon request.

The Manager recommends approval of the agreement.

Mr. Luck moved to approve the Settlement Agreement with Penn State on Fee-In-Lieu Property. Seconded by Mr. Treviño, the motion passed 3-0.

b. **General Forum Request for Comments on Regional Parks and Recreation Comprehensive Plan**

Mr. Erickson stated that the Centre Region Council of Governments General Forum approved the following motion at their January 30<sup>th</sup> meeting:

**"That the General Forum, as recommended by the Executive Committee, ask the Centre Region municipalities for their suggestion regarding the group within the COG that should propose the membership of an Ad Hoc Regional Comprehensive Parks and Recreation Planning Committee, and further, that municipal comments be referred to the COG Executive Director by 9:00 AM on Thursday, February 16, 2017 to be distributed to the Executive Committee."**

The relevant portion of the [General Forum agenda](#) was included with the agenda materials to provide additional background information.

The Board directed the Manager to respond by stating:

Each participating municipality should be invited to designate one or two representatives to the Committee. The municipal designees may be municipal staff members, elected officials, or other community representatives. If there are to be two designees, and the majority of the participating municipalities desire some consistency on the appointments, one representative could be required to be an elected official.

6. **ADMINISTRATION (CONTINUED)**

c. **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. (A prior ordinance approved in November 2016 was rendered moot when PennDOT revised their Loan Agreement in late 2016 before all approvals were in place.)

Proposed Ordinance 2017 – 582 authorizes the borrowing and is included with the agenda materials. The Township has received approval from the state Department of Community and Economic Development prior to finalizing the borrowing.

Mr. Luck move to adopt Ordinance 2017 – 582 and Resolution 2017- 008 authorizing the Board Chair and Township Secretary to execute the Agreement. Seconded by Mr. Treviño, the motion passed 3-0.

b. **County Request for Feedback on Act 89 \$5 Vehicle Registration Fee**

Mr. Erickson stated that the following is From the January 25, 2017 Board Agenda:

From the enclosed letter:

The Centre County Board of Commissioners is looking for feedback from municipalities regarding the optional \$5 fee for local transportation projects. Act 89 of 2013 provides counties the option to generate transportation funding by assessing a \$5 fee on vehicles registered in the county.

The Commissioners have worked with local municipalities for many years on local transportation projects. Because of the partnership the County has with Patton Township through the liquid fuels program, the

Commissioners would like to receive your input, feedback, and perspective as we consider the adoption of an ordinance to levy the \$5 fee for local transportation projects.

*End of material from the enclosed letter*

Patton Township has several projects that could benefit from the proposed additional funding. The Township Manager provided a letter, included with the agenda materials, to the Commissioners in September 2016 urging them to consider utilizing Act 89.

*From the January 25, 2017 Board Agenda (continued):*

The agenda materials also include an email and letter from the Commissioners, a FAQ sheet on Act 89, a listing of awards and requests that Patton Township has received/made to the County LFT program, and a survey to be completed and returned by March 1<sup>st</sup>. The Manager has begun responding to the survey. A draft response is included with the agenda materials.

6. **ADMINISTRATION (CONTINUED)**

b. **County Request for Feedback on Act 89 \$5 Vehicle Registration Fee (Continued)**

The Township Manager has received one phone call in opposition to the proposal.

*End of material from the prior Board Agenda*

Enclosed with the agenda materials was a draft response letter (RE: Funding for Local Transportation Projects) to the Commissioners. The Board should review the letter and provide further direction to the Manager on the matter.

Mr. Luck moved authorize the Manager to revise the draft letter regarding Act 89 \$5 Vehicle Registration Fee. Seconded by Mr. Treviño, the motion passed 3-0.

e. **KINBER Study – Next Phase**

The Chief Technology Officer for the Borough of State College is leading an effort to provide the Centre Region municipalities and authorities with the option of connecting to the Keystone Initiative for Network Based Education and Research (KINBER – see [kinber.org](http://kinber.org) for more info) for Wide Area Network (WAN) uses. A “walking estimate” has been prepared by a KINBER contractor to make a fiber optic cable connection from the Patton Township Building to the nearest KINBER facility. The estimated cost from the “walking estimate” is \$25,399.82 under Prevailing Wages or \$18,481.82 under Standard Wages.

The municipalities and authorities are being asked if they each desire to continue to the next step in the study which would yield an even more accurate cost estimate for the fiber optic connection. Opting to continue with the study will not obligate a participant to switch service to KINBER.

Should Patton Township switch from ComCast to KINBER we would see an annual savings of \$4,000 to \$7,000 for fiber service.

The agenda materials included an email from the Chief Technology Officer, and mapping illustrating the fiber optic cable connection pathway.

The Manager and Director of Finance and Administration recommend continuing with the study.

The Board agreed to continue with the study.

f. **March Meeting Calendar**

The scheduled March 8, 2017 Board meeting falls during Penn State’s Spring Break. At least one member will not be available for that meeting.

The Board may wish to discuss re-scheduling or cancelling that meeting. The next scheduled Board meeting is March 22<sup>nd</sup>.

The Board tentatively cancelled the March 8, 2017 meeting.

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) **Resolution to Authorize the Disposal of Certain Police and Finance Department Records**

The Police and Finance Departments have identified records for destruction in accordance with Township Resolution 2004-005, our policy for records disposition. Enclosed is a copy of the proposed resolution, including a list of the records identified for destruction.

**It is recommended that the Board adopt Resolution 2017- 007 authorizing destruction of these records.**

b. **Administration**

1) **Voucher Report January 2017**

A copy of the January 2017 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 2017 Voucher Report**

2) **Appointments to the Code Board of Appeals**

The Centre Region Council of Governments General Forum has forwarded the following recommendations for the Code Board of Appeals:

**Property Maintenance Board** is: Ryan Solnosky (new appointment)

**Plumbing Board:** Moses D. F. Ling, P.E., R.A. (re-appointment)

**Mechanical Board:** Moses D. F. Ling, P.E., R.A. (Alternate) (re-appointment)

**Property Maintenance Board:** Lisanne Semion (Alternate) (re-appointment)

**Electrical Board:** Richard Harris, P.E. and Kirk Lauer, P.E. (Alternate) (re-appointment)

**It is recommended that the Board approve the appointments and re-appointment as recommended.**

Mr. Treviño moved to approve the Consent Agenda. Seconded by Mr. Luck, the motion passed 3-0.

8. **MANAGER'S REPORT**

a. **Development Update**

Mr. Erickson stated that the Development Update was included with the Planning Commission Agenda.

9. **COMMITTEE REPORTS**

a. **Human Resources**

Mr. Treviño stated that Human Resources discussed the draft of the Overtime Policy for COG. He stated that the modification was to formalize a practice that they already have for exempt employees in particular Code Officers.

b. **Public Services**

Mr. Luck stated that Public Services Committee are asking if municipalities would be supportive of an Americorp Volunteer employee looking into energy and sustainability initiatives.

10. **OTHER BUSINESS**

There was no other business.

11. **ADJOURNMENT**

Mr. Luck moved to adjourn the February 8, 2017 Board of Supervisors meeting at 8:12PM. Seconded by Mr. Treviño, the Chair adjourned the meeting.

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Douglas J. Erickson, Township Secretary