

**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  
                              Betsy Dupuis, Solicitor  
                              Stephen Casson, Township Engineer  
                              Greg Garthe, Planner  
                              Sean Albright, Officer-in-Charge Patton Township Police

AUDIENCE                C-NET (3)  
                              Cathy and Bob Prosek, Acres Project  
                              Chad Stafford, PTE Personal Care Home  
                              Vince Romanini, Wynwood  
                              Brenda Romanini, Wynwood  
                              Alexander and Jessica Buckland, Residents  
                              Betsy Whitman, Resident  
                              John Kremer, Resident  
                              Adam Fernsler, Personal Care Home

1.     **CALL TO ORDER**

The April 26, 2017 Board of Supervisors meeting was called to order at 7:00 PM by Elliot Abrams, Chair.

2.     **APPROVAL OF MEETING MINUTES**

Mr. Luck moved to approve the April 12, 2017 meeting minutes. Seconded by Mr. Treviño, the motion passed 5-0.

3.     **PUBLIC COMMENTS**

There were no public comments.

4.     **PUBLIC HEARING**

a)     **Nursing Homes in the Planned Airport District**

Mr. Erickson stated that the following was from the March 13 Planning Commission Agenda: Patton Township received a request 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 allowed uses. If a use is not listed in the table of Permitted Uses, it is deemed to be prohibited. The permitted uses are subcategorized as residential uses, commercial uses, and general airport area uses.

A “nursing home” is defined in the Township Code as follows:

**NURSING HOME** – An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

4. **PUBLIC HEARING (Continued)**

a) **Nursing Homes in the Planned Airport District (Continued)**

A nursing home operator is considering building a facility on Lot 3 of the Nittany Valley Sports Centre (NVSC) property. A portion of the NVSC property, including Lot 3, is in the Mixed-Use area, while other parts of the property are within the Nonresidential area of the PAD. Currently, the Mixed-Use area allows several residential uses including duplexes, manufactured home parks, multi-family dwellings, and parks. With the exception of manufactured home parks, all of those uses are also permitted in the Residential area of the PAD.

At their November 7, 2016 meeting, the Planning Commission discussed the request and recommended approval of an ordinance that would permit the use in the Residential,

Nonresidential, and Mixed-Use areas of the PAD. At their November 16, 2016 meeting, the Board of Supervisors set a January 25, 2017 public hearing for the ordinance. The Centre Regional Planning Commission and the Centre County Planning and Development Office have both supported the use and offered no comments.

However, at the public hearing, a number of attendees and several of the Board members voiced concerns related to the use and where it would be permitted. At the conclusion of the public hearing, the Board elected not to adopt the ordinance, but to instead refer the comments to the Planning Commission for further discussion. Additionally, the Manager received comments via email from a representative of the University Park Airport. The comments were provided with the Planning Commission Agenda, as well as a copy being provided to the applicants to make them aware of the concerns with the proposed use.

*End of the Planning Commission Agenda materials*

A Traffic Impact Study was submitted with the Revised NVSC Master Plan. The study concludes that no substantial roadway improvements are required through the construction of the Sports Centre, the duplexes and development of Lot 3 as a nursing home. Further development, projected as 20,000 square feet of office space on Lot 4, would trigger the realignment of the Bernel Road/Fox Hill Road intersection, to include a left turn lane for eastbound Fox Hill Road. These improvements would need to be completed prior to permitting occupancy of the office building.

The Planning Commission recommends allowing the use of nursing homes within the **Mixed-Use area only** of the Planned Airport District. A draft ordinance is included with the agenda materials, along with:

- Graphic showing Mixed Use, Non-residential and Residential areas in the PAD
- Request letter dated October 25, 2016
- Memo from Planner summarizing discussion at January 25, 2017 Board meeting
- Lists of permitted and prohibited uses in the PAD
- Comments from the CPRC and County Planning Office

Should the Board desire to continue consideration of the request, the next step would be to schedule the Public Hearing that is required prior to taking any action on the proposed ordinance.

Mr. Stafford gave a brief overview of the tract of land that he is requesting to use for a Nursing Home.

4. **PUBLIC HEARING (Continued)**

a) **Nursing Homes in the Planned Airport District (Continued)**

1) **Public Hearing**

The Board convened the Public Hearing to add nursing homes as a permitted use in the Planned Airport District (PAD) at 7:07 PM.

Mr. Kremer asked what else can be qualified as mixed use. Mr. Erickson gave an overview of the list of permitted uses for in the mixed use area.

Mr. Kremer asked if there is a proposed intersection change for Bernel Road/Fox Hollow Road. Mr. Erickson stated that a traffic study was done and the developer is aware that with the next development of the parcel after the nursing home that a new intersection will need to be put in place.

Mr. Luck moved to close the Public Hearing regarding Nursing Homes in the Planned Airport District. Seconded by Mr. Downsborough, the Public Hearing was closed at 7:15PM.

2) **Action Consideration**

Mr. Luck moved to add nursing homes as a permitted use in the Planned Airport District (PAD). Seconded by Mr. Downsborough, the motion passed 5-0.

5. **PUBLIC SAFETY**

a. **Police Update**

Officer-in-Charge Albright stated that there was 205 calls for service in which 47 were for reported crimes and that there was no bike patrol activity this month due to the weather.

Mr. Downsborough asked why part two crimes have increased. Officer-in-Charge Albright answered that it was due to an increase in credit card fraud.

b. **Resolution to Authorize the Disposal of Certain Police Department Records**

The Police Department has identified records for destruction in accordance with Township Resolution 2004-005, our policy for records disposition. A copy of the proposed resolution, including a list of the records identified for destruction, was included with the agenda materials.

Mr. Downsborough moved to adopt Resolution 2017- 010 authorizing the destruction of these records. Seconded by Mr. Treviño, the motion passed 5-0.

**6. PUBLIC WORKS**

**a. Spring Road Report**

Mr. Casson stated that a copy of the Spring 2017 Road Report was included with the agenda materials and provided recommendations for the 2017 road maintenance program. Major items expected to be scheduled include:

**TABLE 1. 2017 ROAD RESURFACING WORK PROGRAM**

STREET	FROM	TO	RATING	LENGTH (ft)	WORK TYPE
Vairo Boulevard	University Commons	PennWood North	81	930	Overlay/Stormwater
Sylvan Circle	N. Oak Lane	End	76	820	Overlay/Curbing
Gray's Woods Boulevard	Pin Oak Lane	Meeks Lane	75	1,290	Overlay
Vairo Boulevard	N. Atherton Street	N. Atherton Place	74	420	Overlay
High Meadow Lane	Woodledge Drive	End	72	740	Overlay
Meeks Lane	374 Meeks Ln.	Skytop Lane	74	3,000	Overlay-Sections?
Earl Drive	Brittany Drive	End	71	1,160	Overlay
N. Oak Lane	Westgate Drive	Douglas Drive	69	910	Overlay/Curbing
<b>Total Length (ft)</b>				<b>9,270</b>	

Attached to the report was a spreadsheet that includes all road segments in the Township and their numerical condition rating. A lower rating is an indication of a road that is in a better condition.

Mr. Abrams asked if the Township still has seeclickfix. Mr. Casson answered yes and gave a brief overview on how and when to use seeclickfix.

Mr. Downsborough moved to accept the Spring Road Report and authorize bidding for the recommended improvements. Seconded by Mr. Luck, the motion passed 5-0.

**b. Reimbursement Agreement with PennDOT for Valley Vista Drive Shared-Use Path**

Mr. Erickson stated that under the Transportation Alternatives Program Patton Township is responsible for the design, utility relocation, and right-of-way costs associated with this project. The Township, with assistance from Ferguson Township will be seeking a design firm through a Request for Proposal process.

Construction of the Shared Use Path will be funded under a Reimbursement Agreement with PennDOT. The Township would initially pay the contractor and then be reimbursed through Federal Transportation Alternatives Program money funds from PennDOT.

Mr. Treviño moved to adopt a Resolution to authorize the Board Chair or Township Secretary to execute the Agreement. Seconded by Mr. Luck, the motion passed 5-0.

7. **PLANNING AND ZONING**

a. **Nursing Home - NVSC Lot 3 – 2350 Bernel Road**

*From the April 3 Planning Commission Agenda:*

This land development plan proposes to construct a nursing home facility on the 3.9 acre Lot 3 of the Nittany Valley Sports Centre site. Lot 3 is located in the Mixed-Use area of the Planned Airport District (PAD) and is adjacent to the proposed Nittany Valley Sports Centre building and outdoor sports fields on Lot 1A, and the existing group home on Lot 2. The plan proposes to construct a 20,400 ft<sup>2</sup> 40-bed nursing home facility and related parking areas and sidewalks. A total of 28 parking spaces will be provided (2 ADA). Total impervious coverage on the lot will be 50,241 (30%). Patton Township provided a comment letter to the developer on January 20, 2017.

“Nursing homes” are not currently permitted in the PAD but the use is under consideration by the Board of Supervisors. On January 25, 2017, the Board held a public hearing for an ordinance that would allow the use in the Mixed-Use, Nonresidential, and Residential areas of the PAD, but did not approve it and sent the item back to the Planning Commission for further discussion. At their March 13, 2017 meeting, the Planning Commission recommended approval of a revised ordinance that would permit nursing homes in the Mixed-Use area of the PAD only. At their March 22, 2017 meeting, the Board of Supervisors set an April 26, 2017 public hearing for the ordinance and also approved the Revised Master Plan for the Nittany Valley Sports Centre, which does not indicate construction of a nursing home on the lot. Therefore, any recommendation to approve of this land development plan must be conditioned on approval of the use of nursing homes.

Per PAD master planning requirements, when a minor change to an approved master plan is proposed as part of a subdivision or land development plan, the developer is not required to submit an amended master plan. The change will be approved through the normal review process for subdivision and land development plans, so approval of this plan must also include this condition.

*End of Planning Commission Agenda material*

The agenda materials included a location map of the property, an 11”x17” copy of the subdivision plan and a marked up copy of staff’s comment letter.

The Planning Commission recommends that the plan be conditionally approved with a) completion of all items noted on staff’s marked up comment letter, b) approval of “nursing homes” as a permitted use in the PAD (item 4a of this agenda) and c) acceptance of a minor revision to the Nittany Valley Sports Centre Master Plan, which changes the proposed development on Lot 3.

Mr. Stafford gave a brief overview of the Nursing Home – Nittany Valley Sports Centre.

Mr. Treviño asked if at the back of the building if there is a steep hill. Mr. Stafford stated that the contractor is going to do excavating to raise the lot and that there will be an 8 foot bank.

Mr. Treviño asked if there are no outdoor recreation space. Mr. Stafford stated that there will be sidewalks around the property and possibility of linking sidewalk into the sports center.

Mr. Treviño asked what provision is there for smoking for employees. Mr. Romanini stated that this will be a smoke free facility and if there is a need they can smoke out in the parking lot.

7. **PLANNING AND ZONING (Continued)**

a. **Nursing Home - NVSC Lot 3 – 2350 Bernel Road (Continued)**

Mr. Luck moved to conditionally approve the Nurseing Home – Nittany Valley Sports Centre Lot 3 – 2350 Bernel Road. Seconded by Mr. Wise, the motion passed 5-0.

8. **ADMINISTRATION**

a. **2016 Financial Statement**

Mr. Pegher stated that the Township's appointed auditors have completed their audit and review of the Township's financial activities for 2015. The report and accompanying letter from the auditors were included in the agenda materials. Mr. Pegher stated that there were no findings.

Mr. Downsborough asked for an update on the Open Space. Mr. Erickson stated that he will cover Open Space during the Manager's Report.

b. **Request to Dispose of Excess Real Property – 18-003-017A, 0.34 acres**

Mr. Erickson stated that the Township acquired a 5.36 acre parcel along Stevenson Road in 1965 for use as a storage yard for the Road Crew. In 2000 PennDOT condemned the majority of the parcel for right-of-way for I-99. PennDOT also offered to buy the remainder of the parcel, 0.34 acres, but the Township decided to retain ownership. This remnant is land-locked between I-99 and two adjacent parcels.

The owner of the adjacent parcels has submitted a request that the Board consider selling the property. The Second Class Township Code regulates the sale of Township property:

Section 1503. Real Property.--(a) No real estate owned by the township having a value in excess of fifteen hundred dollars (\$1,500) may be sold except to the highest bidder after due notice by advertisement for bids or advertisement of a public auction in one newspaper of general circulation in the township.

Mr. Erickson stated that it will cost \$800 to have property appraised and that the zoning officer stated around \$3400 would be a good minimum bid.

Mr. Luck asked for more information before making a decision.

Mr. Erickson stated that he will contact PennDot and get more information for the next meeting.

c. **Proposed Funding Increase for the Spring Creek Watershed Commission**

Mr. Treviño asked for input from the Board on this issue. We are currently contributing approximately \$500 per year to the operation of the Commission; this is calculated at \$0.035 per capita. At the April 19<sup>th</sup> meeting of the SCWC there was discussion regarding increasing the contributions to a higher per capita amount; amounts of \$0.075 and \$0.10 were mentioned. The agenda materials included an email exchange between Mr. Treviño and our alternate representative, the agenda from the April 19 meeting and a chart illustrating contribution amounts at various per capita rates.

Mr. Downsborough asked what kind of services does the Americorps worker provides. Mr. Treviño stated she does staffing, grant proposals and educational programs.

Mr. Treviño moved to approve a \$0.075 increase of per capita per year. Seconded by Mr. Luck, the motion passed 5-0.

**8. ADMINISTRATION (Continued)**

**d. Resolution regarding Board Conduct**

A draft Resolution to affirm the Board members' commitment to upholding the laws of the United States, Pennsylvania, and Patton Township was included with the agenda materials.

Mr. Luck moved to adopt Resolution 2017-012 to affirm the Board members' commitment to upholding the laws of the United States, Pennsylvania, and Patton Township. Seconded by Mr. Treviño, the motion passed 5-0.

**e. Electricity Generation Contract for Township Facilities**

Mr. Erickson stated that included with the agenda materials are a series of quotes provided by Premier Power Solutions on April 17th to lock in generation costs for the next contract beginning in August 2017. The agenda materials also include a graph showing rates over the last four years and estimates of future rates. The quotes for April 26<sup>th</sup> are summarized below:

<b>Type of Generation / Term of Contract</b>	<b>12 months</b>	<b>24 months</b>	<b>33 months</b>
April 17, 2017	<b>Market Rate per kWh (\$)</b>		
<b>Default service</b>	<b>0.0543</b>	<b>0.0533</b>	<b>0.0525</b>
<b>Default service + 10% voluntary renewables</b>	<b>0.0543</b>	<b>0.0533</b>	<b>0.0525</b>
<b>100% Renewables</b>	<b>0.0547</b>	<b>0.0538</b>	<b>0.0530</b>

Pricing changes daily.

The agenda materials also included some information provided by First Energy regarding the requirement for suppliers to include minimum percentages of electricity from alternative sources in the "Default Service" portfolio. The current requirement is 6.5% from Tier I resources and 8.2% from Tier II resources.

Mr. Treviño moved to direct the Manager to pursue the most favorable contract using 100% renewables. Seconded by Mr. Luck, the motion passed 5-0.

9. **MANAGER'S REPORT**

a. **Project Update**

Mr. Erickson stated that the Waddle Road Project is on schedule with being completed midsummer.

b. **Centre Life Link**

Mr. Erickson stated that Centre Life Link is in the search of a new home along North Atherton because their lease will not be renewed and he spoke with the Executive Director to let him know if they are looking at any place in Patton Township to inquire with him about zoning. An ambulance will be stationed at the Alpha's Patton Station for the summer.

c. **Maintenance Code**

Mr. Erickson stated that he included a copy of the updated Maintenance Code update that is up for adoption on May 10<sup>th</sup> with an effective date of July 1, 2017.

d. **West Nile Virus Update**

Mr. Erickson stated that nuisance treatment of mosquitos will be done by the County after trapping and counting if needed. He also cautioned residents to eliminate standing waters because they are breeding grounds for mosquitos.

e. **Public Utility Commission Decision on Small Cell Systems "Appealed"**

Mr. Erickson stated that PUC decision that the Small Cell Systems are not considered a public utility is being appealed.

f. **Police Chief Recruitment**

Mr. Erickson stated that Ron Moser from McGrath Consulting will be in State College from May 9-11<sup>th</sup> and suggested a work session before the May 10<sup>th</sup> meeting to give the Board an opportunity to give input on what the Board wants in the new Chief of Police. He stated that he will also meet with PTBA, other officers in the department and former Police Chief at State College Borough.

g. **Open Space Update**

Mr. Erickson stated that he would like to talk to the Board at an Executive Session to discuss negotiations of the properties after the Board meeting on May 10<sup>th</sup>.

10. **COMMITTEE REPORTS**

a. **Finance**

Mr. Downsborough stated that the Finance Committee authorize COG to engage Chris Gibbons to talk to Fulton Bank to set financial perimeters for the Regional Parks Loan.

Mr. Downsborough stated there was a lot of discussion of the 2018 COG Budget Process.

b. **Parks Capital**

Mr. Treviño stated that at Parks Capital meeting the Whitehall Road Regional Park was discussed and that still waiting for word on the court case. He stated that all municipalities picked a representative for the Steering Committee, in which ours is Susan Wheeler. Now it's the Committee's responsibility to start the Parks and Recreation Regional Comprehensive Study.

c. **Executive**

Mr. Abrams stated that a request came in from the Park Authority to change the way that people were picked and wanted the Committee to act on this immediately. He stated that the Committee refused.

11. **OTHER BUSINESS**

There was no other business.

12. **ADJOURNMENT**

Mr. Luck moved to adjourn the April 26, 2017 Board of Supervisors meeting. Seconded by Mr. Treviño, the Chair adjourned the meeting at 8:34PM.

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Douglas J. Erickson, Township Secretary