

**ATTENDANCE:**

BOARD                    Elliot Abrams, Chair  
                              Jeff Luck, Vice-Chair  
                              George Downsborough, Jr., Supervisor  
                              Daniel Treviño, Supervisor  
                              Walt Wise, Supervisor

STAFF                     Doug Erickson, Township Manager  
                              Sean Albright, Officer-in-Charge Patton Township Police  
                              Betsy Dupuis, Solicitor  
                              Stephen Casson, Township Engineer  
                              Greg Garthe, Planner

ABSENT                   Lawrence Pegher, Finance Director

AUDIENCE                C-NET (3)  
                              Cynthia Hahn, C-NET  
                              Kathy Stephens, UPPC  
                              Ted Brown, Resident  
                              Mark Parfitt, Patton CATA Representative  
                              Mark Toretti, Penn Terra  
                              Betsy Whiteman, Resident  
                              Dave Gustine, Patton C-NET Representative  
                              Kimberly Fragola, CATA Staff

**1.     CALL TO ORDER**

The May 24, 2017 Board of Supervisors meeting was called to order at 7:00 PM by Elliot Abrams, Chair.

**2.     APPROVAL OF MINUTES**

Mr. Downsborough moved to approve the May 10, 2017 Special meeting and the May 10, 2017 Regular meeting minutes. Seconded by Mr. Treviño, the motion passed 4-0.

**3.     PUBLIC COMMENTS**

a.     Mr. Brown asked the status of the Fox Hill Road and Bernel Road Intersection. Mr. Erickson asked Mr. Brown to set up a meeting and he would go over the intersection.

Mr. Brown asked about a change in the front part of the Bernel Road Park. Mr. Erickson stated that he will email him a copy of the updated Bernel Road Park Master Plan.

b.     C-NET Presentation.

Ms. Hahn gave a brief presentation on the history, programming and future of Centre County's Government and Education Access Channel. A letter regarding changes to C-NET's Articles of Incorporation and By-Laws was included with the agenda materials.

4. **PUBLIC HEARING: “SELF-STORAGE FACILITIES” AS A USE BY RIGHT WITHIN THE PLANNED AIRPORT ZONING DISTRICT (PAD)**

*From the April 3<sup>rd</sup> Planning Commission draft minutes:*

Mr. Greg Garthe noted that the owners of Tax Parcel 18-002-029C, a 13.6 acre parcel located along Bernel Road in the Mixed-Use and Non-residential areas of the Planned Airport District (PAD) have requested that the Township revise the PAD zoning regulations to permit a business that would lease self-storage units to the general public. Additionally, the owners of Parcel 18-002-029B, a 10 acre parcel at the intersection of Bernel Road and Fox Hill Road in the Non-residential area of the PAD, have also requested that the Township revise the PAD zoning regulations to permit self-storage units in the Non-residential area of the district.

The use, or anything similar, is not currently permitted in the district. Recall that unlike most zoning districts, the PAD tightly details specific types of allowed uses, and if a use is not listed in the table of Permitted Uses it is deemed to be prohibited. Furthermore, the permitted uses are subcategorized as residential uses, commercial uses, and general airport area uses.

The PAD regulations also strictly prohibit certain uses as a protection of the State College Borough Water Authority well field that lies east of Fillmore Road. These include uses such as storage, treatment, or disposal of hazardous or solid waste, scrap and junkyards, and several other uses. In addition, a buffer of at least 150 feet is required from all designated well sites. No buildings, structures, parking lots, or other impervious surfaces are permitted to be constructed within the buffer yard.

At their November 7, 2016 meeting, the Planning Commission discussed the request to allow the use and recommended approval of an ordinance that would permit it in the Non-residential 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.

The ordinance proposed to add self-storage facilities as a commercial use in the Non-residential and Mixed-Use areas of the district. Currently, a limited number of commercial uses are allowed in both areas, including eating and drinking establishments, neighborhood shopping centers (not to exceed 75,000 square feet), and retail trade. Several additional commercial uses are permitted in the Non-residential area including amusement enterprises, business services, hotels and motels, and motion picture theaters.

At the public hearing, a number of attendees and several of the Board members voiced concerns related to the use. 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 as a memorandum included with the agenda. A copy of the memorandum has also been provided to the applicants to make them aware of the concerns. They were asked to attend the March 13, 2017 meeting to address the comments and any additional questions.

In response to the comments offered and upon further staff discussion, an updated ordinance that may address some of the concerns related to the potential for unlawful storage of hazardous materials has been provided to the Planning Commission.

4. **PUBLIC HEARING: “SELF-STORAGE FACILITIES” AS A USE BY RIGHT WITHIN THE PLANNED AIRPORT ZONING DISTRICT (PAD) (Continued)**

Mr. John O’Neill noted that during the public hearing, traffic was a concern. Mr. Mark Torretti, Penn Terra Engineering, addressed the Planning Commission and noted that the trips for an office use on a Saturday and a weekday, it would generate more traffic than that of a storage facility site.

Mr. John O’Neill recalled a discussion on aesthetics and the concern of storage of items outside of the structure. Mr. Ken Soder noted that the self-storage would not have any exterior storage, such as recreational vehicles.

Mr. Rich Franke, noted that they have other facilities; some have fencing and some do not. Mr. Brian Rater asked why some would have fencing. Mr. Franke noted that fencing is sometimes used when the facility is gated.

The Planning Commission agreed to note in the ordinance that all storage must be inside the structure and no outside storage.

Mr. Brian Rater made a motion to recommend approval of the Self-Storage Facilities in the Planned Airport District Ordinance and to add an item that all items be stored within the structure. The motion was seconded by Mr. Bill Steudler. The motion passed with a vote of 7-0.

*End of the Planning Commission draft minutes*

The agenda materials included a location map and request from each of the requestors, a memo (dated March 6) noting comments that were raised at the January 25<sup>th</sup> Public Hearing, a list of permitted and prohibited uses in the PAD, and the proposed ordinance to permit the requested use in the PAD.

a. **Public Hearing**

The Board convened the Public Hearing for the proposed Ordinance to permit “Self-Storage Facilities” as a Use By Right within the Planned Airport Zoning District (PAD) at 7:17PM.

Mr. Brown stated that he is concerned about what people will store in the storage units and he is concerned about an increase in crimes.

Mr. Torretti gave an overview of the Self-Storage Facilities.

Mr. Brown asked if there will be a 24/7 manager of the facilities. Mr. Torrette stated that background checks are made to make sure they know who they are dealing with.

Mr. Abrams stated that it is too close to the airport.

Mr. Downsborough asked if he received input from the airport. Mr. Garthe stated they had no specific concerns about storage facilities.

Mr. Treviño asked Sergeant Albright about criminal activity due to self-storage unit. Sergeant Albright answered not that he has personally dealt with.

Mr. Luck stated that he does not have any compelling reasons not to pass it.

Mr. Treviño moved to close the Public Hearing for the proposed Ordinance to permit “Self-

Storage Facilities” as a Use By Right within the Planned Airport Zoning District (PAD) at 7:46PM. Seconded by Mr. Downsborough, the motion passed 4-0.

4. **PUBLIC HEARING: “SELF-STORAGE FACILITIES” AS A USE BY RIGHT WITHIN THE PLANNED AIRPORT ZONING DISTRICT (PAD) (Continued)**

b. **Action Consideration**

Mr. Treviño moved to deny the proposed Ordinance to permit “Self-Storage Facilities” as a Use By Right within the Planned Airport Zoning District (PAD). Seconded by Mr. Abrams, the motion failed 2-2.

Mr. Brown requested a clarification on the action the Board took. Mr. Erickson explained that after the motion to deny failed there were no other motions offered. Therefore the matter “dies” for lack of action. Mr. Erickson stated that notices would be mailed out again if the issue comes back up in the future.

5. **PUBLIC SAFETY**

a. **Police Update**

Sergeant Albright stated that the Department handled 197 calls for service in which 29 of them were reported crimes in the month of April. He stated that Officers on bike patrol rode 60.1 miles and conducted 160 business checks. He stated that several officers attended training during the month of April.

6. **PUBLIC WORKS**

a. **Valley Vista Drive Left Turn Lane Project**

Mr. Erickson stated that Trans Associates (TA) continues to work on preparing the construction documents for the subject project. We are currently waiting on reviews from the Pennsylvania Department of Transportation (PennDOT) and permitting to be issued by the Pennsylvania Department of Environmental Protection (DEP.) TA is also working with the State College Borough Water Authority (SCBWA) to include necessary water line locations into the construction plan set.

i. **Additional Work by Consultant**

TA has submitted a request for additional compensation to the Public Works Director. The additional work includes charges to remove the proposed bike trail from the plans, prepare exhibits and assist at the public open house, prepare descriptions for required easements outside of the right-of-way, and costs for infiltration testing and permitting. This work was requested by the Public Works Director with the consent of the Manager.

TA has also billed for costs for work that was not included in the scope of the original agreement, nor requested or authorized by the Public Works Director. The Director believes the Township is due a credit for these charges.

Total billings from TA to date	\$218,993
Credit for unauthorized work	(\$ 37,640)
Estimated Cost to Complete	\$ 31,235
Total to Complete	\$212,588

Original Agreement amount	\$195,165
Amendment to Agreement	\$ 17,423

The Manager recommends that the Board approve the amendment to the Agreement with Trans Associates to increase the not-to-exceed cost to \$212,588. A detail of charges for the additional work was included with the agenda materials.

Mr. Luck asked if we are done when we settle this. Mr. Erickson answered yes.

The Board agreed to paying Trans Associates for the overage but would like to get exact numbers for the next meeting as long as it does not hold up the project.

**6. PUBLIC WORKS (Continued)**

**a. Valley Vista Drive Left Turn Lane Project (Continued)**

**ii. Construction Costs Overrun**

The 2014 concept plan estimated construction costs at \$1,044,000. The latest TA estimate puts the construction costs at \$1,714,000 plus costs for:

- Easement acquisition; estimated at \$17,000
- Relocation of SCBWA facilities estimated at \$105,000
- Inspection services estimated at \$100,000

The total estimate to complete construction is now \$1,936,000

Several items have increased the overall estimated cost of the project since the concept plan was developed in 2014. These items include:

- A. Increase in the amount of paving. The full three-lane section was extended from Sandy Ridge Road to Oakley Drive to provide a left-turn bay for the church driveway opposite Sandy Ridge Road and a short left turn bay for the driveway opposite Oakley Drive.
- B. Increases in the estimated unit costs for paving materials. The estimated paving costs, taken from PennDOT's database of bid prices, have risen by 38% since 2014.
- C. Increased efforts required to manage stormwater. A preliminary assumption that most of the increase in runoff could be infiltrated did not prove to be valid, resulting in the need for additional excavation, additional sediment controls and new drainage pipes.
- D. Additional items included. Such as handicap sidewalk ramps at intersections and relocation of SCBWA facilities.

Programed funding currently available:

Multi-modal Grant	\$ 800,000
Pennsylvania Infrastructure Bank Loan (PIB) funds not otherwise committed *	<u>\$ 452,000</u>
Subtotal	\$1,352,000

\*Assumes that payments to TA for preconstruction costs will continue to be made from General Fund, as budgeted, with no PIB loan reimbursement.

Other Potential funding sources (in Manager's descending order of preference)

Use General Fund monies in 2017 budget for project;  
had assumed to be supplanted by PIB up to \$355,000

Reprogram PIB funds from "other Overlay on  
Valley Vista" up to \$229,000

6. **PUBLIC WORKS (Continued)**

a. **Valley Vista Drive Left Turn Lane Project (Continued)**

ii. **Construction Costs Overrun (Continued)**

County Transportation Infrastructure grant	\$	??
Inject add'l General Fund monies in 2017 or 2018	\$	??
Reduce scope of Project	\$	??
Do not pay for SCBWA relocations		(\$105,000)

The Board should discuss options for fully funding the construction or reducing the scope of the project for 2017.

The agenda materials included the current TA Preliminary Opinion of Probable Cost and a comparison of the quantities and unit costs between the 2014 Concept Plan and the 2017 estimate.

Mr. Downsborough stated that this is unacceptable.

Mr. Luck stated that when this was brought up he thought the Board was ok with the extra costs.

Mr. Erickson stated will probably be able to start the project in September.

Mr. Luck stated that he feels that we need to move forward and see how we can cover the costs. He also requested that staff look at options that might reduce the overall costs.

Mr. Erickson stated that he will come back with additional information on construction costs at the next meeting.

Mr. Wise arrived.

7. **PLANNING AND ZONING**

a. **Schedule Public Hearing for Amendment to Toftrees Master Plan**

The Planning Commission is reviewing a request to amend the subject Master Plan from the developers of the proposed Helix apartment complex (formerly Phase 2 of the Grove/View complex.) The main point of the requested amendment is to move 32 residential dwelling units from Toftrees West to the proposed Helix site. (This is approximately the same number of units shifted for the proposed Station project.)

The Planning Commission is expected to review the request at their June 5<sup>th</sup> meeting and provide a recommendation to the Board of Supervisors.

Due to the summer meeting calendar, the Manager recommends that the Board take action tonight to schedule the required Public Hearing for July 19, 2017 and open the 30-day public comment period starting on June 19, 2017.

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

a. **Schedule Public Hearing for Amendment to Toftrees Master Plan (Continued)**

The Planning Commission's recommendation, along with comments from the Centre Region Planning Commission and the County Planning Office, will be included on the agenda for the Board's June 21<sup>st</sup> meeting. A location map, staff review letter and half-sized plans were included with the agenda materials.

Mr. Luck moved to schedule a Public Hearing for the Amendment to Toftrees Master Plan on July 19, 2017. Seconded by Mr. Downsborough, the motion passed 5-0.

b. **Re-Farm Café; Sewage Planning Module Resolution**

Mr. Erickson stated that the Re-Farm Café is re-submitting their Sewage Planning Module to the Department of Environmental Protection (DEP) for approval of their on-lot disposal system. Because they have proposed using a "non-standard" system that will incorporate a man-made wetland as part of the treatment process, DEP requires that the Township and Owner enter into an agreement regarding the installation, operation and maintenance of the system.

Through the agreement the developer pledges to install and operate the system in compliance with the design specifications and DEP regulations, and contract with a third-party to provide periodic monitoring and maintenance. The Township agrees to amend our Act 537 plan, by the companion Resolution, and has the right to inspect the installation and review the third-party maintenance reports. The developer also agrees to indemnify the Township for any claims arising from the installation, operation or maintenance of the system.

The Manager recommends that the Board consider the following actions (in the order presented);

- 1) Re-Adopt Resolution 2017-009 "Revising Plan for New Land Development; Re-Farm Café." Mr. Luck moved to Re-Adopt Resolution 2017-009 "Revising Plan for New Land Development; Re-Farm Café." Seconded by Mr. Downsborough, the motion passed 5-0.
- 2) Approve the "Installation, Operation and Maintenance Agreement for Wastewater Disposal System; Re-Farm Café" and authorize the Chair to execute the agreement on behalf of the Township.  
Mr. Luck moved to approve the Installation, Operation and Maintenance Agreement for Wastewater Disposal System; Re-Farm Café" and authorize the Chair to execute the agreement on behalf of the Township. Seconded by Mr. Downsborough, the motion passed 5-0.

8. **ADMINISTRATION**

a. **Waddle Road Interchange Improvement Project; Loan Modification**

Mr. Erickson stated that the Project is moving towards completion but not all the utility relocation reimbursement requests have been submitted. Utilities have up to one year following completion of their work to request reimbursement.

In 2014, the Township and Kish Bank had extended the period for making draws on the line of credit (i.e. Loan) to June 30, of 2015. In 2015 the draw period was extended to June 1, 2017.

Staff and Kish bank now recommend extending the draw to December 31, 2018.

8. **ADMINISTRATION (Continued)**

a. **Waddle Road Interchange Improvement Project; Loan Modification**

A copy of a draft Resolution, along with the referenced Agreement to modify the terms of the original Loan Agreement are included with the agenda materials. The Resolution and Agreement make no other changes to the terms of the Loan.

The Manager recommends that the Board take action to adopt the Resolution.

Mr. Luck moved to adopt the Resolution for the Waddle Road Interchange Improvement Project; Loan Modification. Seconded by Mr. Downsborough, the motion passed 5-0.

b. **Council of Governments (COG) Budget Guidance**

*From the April 13<sup>th</sup> COG Finance Committee meeting:*

During the past four years, the Finance Committee has set a guideline regarding changes in the overall annual COG Budget. In establishing these guidelines, the Committee asked COG staff to keep the overall increase in municipal contributions to the COG (all Agencies) to a set percentage. Below is a table identifying the percentage set by the General Forum and the actual increase adopted in the annual budget proposed by the Finance Committee:

Budget Year	General Forum Guideline	Actual Change	Difference
2017	2.75%	1.95%	(- 0.80%)
2016	3.00%	2.46%	(- 0.54%)
2015	3.00%	1.95%	(- 1.05%)
2014	3.00%	3.24%	0.24%

By way of background, the **2017** guideline approved by the General Forum during its May 23, 2016 meeting read as follows:

*“That the General Forum, as recommended by the Finance Committee, endorse a guideline for the Centre Region COG that the increase in municipal contributions for the 2017 calendar year should be 2.75% or less from the 2016 approved COG Budget; and, further that any program budget which exceeds that goal will be brought before the Finance Committee for justification and review.”*

As in previous years, the Executive Director recommends that a guideline, if desired by the Committee, be applied to the combined total COG Budget and not to each of the 25 separate funds that make up the COG budget.

The Committee should decide whether to recommend budget guidelines to the General Forum for the 2018 COG budget.

*End of the COG Finance Committee materials*

Mr. Pegher recommends a 3% increase as a reasonable goal for the COG budget, given that salaries and wages are anticipated to increase by more than 3% for 2018.

Additional information provided by COG on the 2016 budgeted vs. actual fund balances was included with the agenda materials.

Mr. Dowsborough moved to approve a 3% increase. Seconded by Mr. Luck, the motion passed 5-0.

8. **ADMINISTRATION (Continued)**

c. **CATA Budget Resolution**

Mr. Erickson stated that CATA has published their “Local Match Shares” document for the 2017/2018 operating year. A copy was included with the agenda materials. As approved by the COG General Forum, the “sharing” formula has been revised.

During FY 2015/16 and FY 2016/17, the Miller formula was reassessed by the funding partners, and the group agreed upon a new CATA formula. The CATA formula includes population numbers already used in accepted COG formulas, service miles, and number of stops. These three factors are weighted to soften large shifts based on service changes alone. The amount for contracted municipalities is taken off the top based on a cost per mile that will advance with the overall percentage change for local match, which mirrors how local match share is treated for Penn State University. The remainder is then split amongst the member municipalities using the new CATA formula.

The proposed shares for Patton Township are:

Operating Total Revenues	\$18,691,361		
Local Operating Assistance	\$ 578,222	3.1%	
Patton Township’s share	\$ 83,532	21.18%	

Capital Total Capital Funding Need	\$ 9,793,617		
Local Capital Match Need	\$ 175,000	1.8%	
Patton Township’s share	\$ 25,281	14.4%	

The full Draft 2017-2018 CATA Budget is available on their website; [www.catabus.com](http://www.catabus.com) under “About CATA.” The draft Resolution for making quarterly contributions to CATA was included in the agenda materials.

Mr. Downsborough moved to adopt Resolution 2017- 014. Seconded by Mr. Wise, the motion passed 5-0.

9. **MANAGER'S REPORT**

a. **Green Light Go grant award – Valley Vista Drive adaptive signaling**

Mr. Erickson stated that the Township received the Green Light Go Grant Award of \$198,000 for the Valley Vista Drive adaptive signaling.

b. **Pennsylvania Public Utility Commission (PUC) denial of Petition to Reconsider for Distributed Antennae Systems (DAS)**

Mr. Erickson stated that the PUC denial of Petition to Reconsider for Distributed Antennae System was included with the agenda materials.

c. **Notices from College Township and Ferguson Township to withdraw from the LAN/WAN Agreement**

Mr. Erickson stated that he received notice that College Township and Ferguson Township are withdrawing from the LAN/WAN Agreement.

9. **MANAGER'S REPORT**

d. **Follow-up memo from PSATS regarding Resolutions**

Mr. Erickson stated that a follow-up memo from PSATS regarding Resolutions was included with the agenda.

e. **CBICC ED Summit**

Mr. Erickson asked who would like to attend the CBICC Ed Summit on June 20<sup>th</sup> at 4:00pm.

f. **Morgan Groundbreaking**

Mr. Erickson stated that the Morgan Groundbreaking will be held June 9<sup>th</sup> at 11:30am and asked if anyone wanted to attend.

10. **COMMITTEE REPORTS**

a. **Finance and Parks Capital**

Mr. Downsborough stated that they discussed the Regional Parks loan and was concerned about the interest that we have been paying on for money we did not need.

11. **OTHER BUSINESS**

Mr. Luck stated that he will not be available for the next Public Services meeting.

12. **ADJOURNMENT TO EXECUTIVE SESSION**

Mr. Downsborough moved to adjourn the May 10, 2017 Board of Supervisors meeting to hold Executive Session. Seconded by Mr. Wise, the Chair adjourned the meeting at 9:10PM.

13. **EXECUTIVE SESSION**

The Board met in Executive Session with the Solicitor, Manager and Director of Finance and Administration to discuss matters related to the purchase/sale of real estate. There was no Board action taken following the Executive Session.

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Douglas J. Erickson, Township Secretary