

ATTENDANCE:

BOARD	Elliot Abrams, Chair George Downsborough, Jr., Vice-Chair Jessica Buckland, Supervisor Daniel Treviño, Supervisor Betsy Whitman, Supervisor
STAFF	Lawrence Pegher, Finance Director Betsy Dupuis, Solicitor Stephen Casson, Township Engineer Tyler Jolley, Chief of Police
ABSENT	Doug Erickson, Township Manager Greg Garthe, Planner
AUDIENCE	C-NET (2) Michael MacNamara, Keller Engineers Tony Frachtl, Penn Terra Jim Payne, Resident Deb Balaban, Resident Kathy Marusa, Collegiate Station HOA Patti Chew, Resident Dave Chew, Resident Tom Jacobs, Pinnacle/ S&A Homes Leo Veneskey, Resident Rick Maher, Resident

1. **CALL TO ORDER**

The January 24, 2018 Board of Supervisors meeting was called to order by Chair Abrams at 7:00PM.

Pledge of Allegiance

2. **APPROVAL OF MINUTES**

Mr. Downsborough moved to approve the amended minutes of the January 2, 2018 meeting. Seconded by Ms. Buckland, the motion passed 5-0.

3. **PUBLIC COMMENTS**

There was no public comment.

4. PUBLIC SAFETY

a. Police Update

Chief Jolley stated that a copy of the December 2017 Public Safety Report is enclosed and gave a brief overview. Chief Jolley commended Ms. Long for implementation of the records system. Chief Jolley stated that Officer Snyder has been promoted to Team Leader of the Tactical Response Team. Chief Jolley stated that the State College Area School District signed the agreement for a part time officer at the Park Forest Middle School.

b. Police Sergeant Selection List

Chief Jolley stated that a copy of the 2018 Police Sergeant Selection List was enclosed. This is the official list of qualified candidates for police sergeant.

The Police Chief and Acting Township Manager recommend that offers of promotion to a Police Sergeant be made to the top ranked applicant on the 2018 Police Sergeant Selection List.

Mr. Downsborough moved to approve the 2018 Police Sergeant Selection List to be effective until January 24, 2020 and Promoting Scott Stroud to Sergeant. Seconded by Mr. Treviño, the motion passed 4-1 with Ms. Buckland abstaining.

5. PLANNING & ZONING

a. Planning Commission Report

Mr. Rater stated that the Planning Commission discussed the Sidewalk Amendment Plan at Toftrees. He stated that changed properties lines for a replots for a couple of properties.

b. Planning Commission Recommendations

1) Toftrees Planned Community - Preliminary/Final Land Development Plan - Phase 7 - Sidewalk Amendment Plan

From the January 8th Planning Commission Agenda:

This plan was submitted on December 5, 2017 and proposes to remove a portion of sidewalk within The Village at Penn State Phase 7. The site is located in Collegiate Station, which is to the north of Toftrees Avenue, between Beaumanor Road and Deans Way, in the Planned Community zoning district. The sidewalk was required by the Phase 7 plan that was approved in 2012, and was intended to connect Toftrees Avenue to Woodledge Drive via an easement between 1759 and 1764 Woodledge Drive.

In late 2016, the Township received several requests asking to remove the requirement for the portion of the sidewalk that passes through Collegiate Station. Residents voiced concerns related to privacy and safety, and questioned the need for the walkway. The letters are attached for your review.

5. **PLANNING & ZONING**

b. **Planning Commission Recommendations**

1) **Toftrees Planned Community - Preliminary/Final Land Development Plan - Phase 7 - Sidewalk Amendment Plan**

Consistent with past practice for removing walkways, the Township required an amended land development plan, which must go through the standard review and approval process in order to eliminate the walkway requirement. Prior to submission of the plan amendment that would remove the sidewalk, the Township requested the consent of all owners of property in Phase 7, including lots 701, 702, and 703. In addition, because the walkway was intended to pass through Phase 6, the Township required consent from that property owner regarding the connection into Phase 6. However, the Phase 6 land development plan does not need to be amended unless the property owner also wishes to remove that portion of the walkway. The Township did receive consent from all property owners in Phases 6 and 7, so the amended Phase 7 plan is presented for your review and a recommendation tonight. The Township provided a comment letter to the project engineer on December 20, 2017.

The following items were included with the agenda:

1. A location map of the property
2. An 11"x17" copy of the subdivision plan
3. A marked up copy of staff's comment letter
4. Letters from property owners requesting removal of the sidewalk requirement in Collegiate Station

End of agenda materials

Mr. Treviño moved to conditional approve the Toftrees Planned Community – Preliminary Final Land Development Plan Phase 7 Sidewalk Amendment plan with the completion of all items noted on staff's marked up comment letter. Seconded by Ms. Whitman, the motion passed 5-0.

2) **Gray Buffalo General Partnership - Replot of Lots 1RRR and 2RRR Into Lots 1RRRR and 2RRRR**

This item has been postponed.

3) **Final Lot Subdivision Plan – Replot of Saddle Rock Lots 31RR and 42 Into Lots 31RRR & 42R**

From the January 8th Planning Commission Agenda:

This plan was submitted on December 5, 2017 and proposes to subdivide and replot Lots 31RR (58.9 acres) and 42 (2.7 acres) of the Saddle Rock subdivision into revised lots 31RRR (55.5 acres) and 42R (10.1 acres). The site is located at the end of Picadilly Road in the Saddle Rock subdivision in the Rural (A1) district. The lots will be served by the existing private Saddle Rock community sand mound system. The area has colluvial soils and those known to have pyritic rock potential, so all future excavation or construction activities will be subject to the requirements of §153-34.3.1 (Excavations possibly including pyritic rock) and §153-34.7 (Colluvial soils). The Township provided a comment letter to the project engineer on December 20, 2017.

The following items were included with the agenda:

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

End of agenda materials

Mr. Downsborough moved to conditionally approve as recommended the Final Lot Subdivision Plan Report of Saddle Rock Lots 31RR and 42 into Lots 31RRR & 42R. Seconded by Mr. Trevino, the motion passed 5-0.

5. **PLANNING & ZONING**

b. **Planning Commission Recommendations**

4) **Request to Consider Re-zoning for 1932 Waddle Road and 1943 Weaver Street**

The owners of the subject parcels have submitted a request to have the Township consider their request to re-zone the properties to an Office Buffer, consistent with the property adjacent to the north of the proposed rezoning. The agenda materials included a request letter and graphics showing a layout for the property.

Mr. Downsborough moved to approve referring the request to the Planning Commission for review and recommendation. Seconded by Ms. Whitman, the motion passed 5-0.

5. **PLANNING & ZONING**

c. **Category 1, 2, and 3 Casinos in Patton Township**

From the January 8th Planning Commission Work Session Agenda:

At their December 13, 2017 meeting, the Board of Supervisors approved Resolution 2017-020 prohibiting the location of a Category 4 Licensed Facility (mini-casino) in Patton Township. This was in response to recent PA legislation (Act 42 of 2017) that proposed a limited number of Category 4 Facilities throughout the Commonwealth, but also gave municipalities an option to prohibit such facilities within their boundaries by submitting a resolution to the PA Gaming Control Board by the end of 2017. The opportunity to specifically prohibit a land use throughout a municipality is not typically a lawful activity. According to PA court doctrine dating back to the 1960s, a municipal zoning ordinance must provide for all lawful uses of land. Failure to do so is considered exclusionary zoning, and provides grounds for a legal challenge for which the relief is to permit the use as and where proposed.

During the discussion on the Resolution, there were questions on whether Category 1, 2, or 3 facilities would be permitted in Patton Township. Supervisor George Downs brough requested that the Planning Commission look into the matter. Additionally, Supervisor Dan Trevino suggested that it may be advisable to restrict Category 1, 2, or 3 facilities to the I-99 Interchange Overlay District, and Supervisor Elliot Abrams suggested that it may be wise to further tighten the regulations to prohibit the use of casinos in most places in the Township.

There is no specific definition of a “casino” in the Township Code. However, “amusement enterprises” are permitted as a by-right use in the Nonresidential Area of the Planned Airport District (PAD), and are defined as follows:

AMUSEMENT ENTERPRISE

Establishments engaged in providing amusement or entertainment for a fee or admission charge (indoor or outdoor) for uses including, but not limited to musical entertainment, bowling alleys, billiard and pool establishments, commercial sports, coin operated games and similar entertainment and amusement devises.

In addition, a casino would be permitted in any of the Township’s commercial zoning districts, the Planned Community district, or the Industrial district under the current zoning regulations. However, operators of such facilities are required to obtain a license from the PA Gaming Control Board. Currently, there are 12 licensed casinos in the state:

Category 1 - Racetrack Casinos (“Racinos”)

- Harrah’s Casino (Chester)
- Mohegan Sun at Pocono Downs (Wilkes-Barre)
- Parx Casino (Bensalem)
- Hollywood Casino at Penn National Race Course (Grantville)
- Presque Isle Downs & Casino (Erie)

5. **PLANNING & ZONING**

c. **Category 1, 2, and 3 Casinos in Patton Township**

- The Meadows Casino (Washington)

Category 2 - Standalone Casinos

- Rivers Casino (Pittsburgh)
- Mount Airy Casino and Resort (Mount Pocono)
- Sands Casino Resort (Bethlehem)
- Sugar House Casino (Philadelphia)

Category 3 - Resort Casinos

- Valley Forge Casino Resort (King of Prussia)
- Lady Luck Casino Nemacolin (Farmington)

The Planner contacted the PA Gaming Control Board and learned that **there are no additional Category 1, 2, or 3 licenses available**. The 12 existing facilities will remain licensed, and if one of them were to lose its license for any reason, that license could not be utilized in another part of the state. Unless the State Legislature increases the number of licenses available, a Category 1, 2, or 3 casino will not be able to locate in the Centre Region.

The following items were included with the agenda:

1. Summary article on Category 1, 2, and 3 casinos in Pennsylvania
2. Patton Township Resolution 2017-020 Prohibiting Class 4 Casinos

End of agenda materials

The Planning Commission discussed the matter and has recommended no action at this time. It is highly unlikely that a casino will be developed in Patton Township because of the PA Legislature and the Gaming Control Board strictly limiting the number of licenses. Unless the Board wishes to more specifically define and restrict the use in the event that the State authorizes additional licenses in the future, the use would continue to be allowed in the zoning districts where it is permitted now.

Mr. Pegher stated that this is for information and that no action is needed.

The Board agreed to send item back to the Planning Commission.

d. **Appointments to the Centre Regional Planning Commission**

The Planning Commission recommends the appointment of Bill Steudler as the Township's representative for the Centre Regional Planning Commission and Brian Rater as the alternate representative.

Mr. Downsborough moved to appoint Bill Steudler as the Township's representative for the Centre Regional Planning Commission and Brian Rater as the alternate representative. Seconded by Mr. Treviño, the motion passed 5-0.

8. ADMINISTRATION

a. ABC Appointments

The Recreation Advisory Committee has recommended the appointment of Cindy Solic to the Centre Region Recreation Authority Board.

The ABC Committee is also reviewing applications for the following vacancies:

ABC	Years in term
Planning Commission (1)	4
Open Space Stewardship Commission (1)	6
Industrial/Commercial Development/ Water Authorities (1)	3

The Committee will provide a report/recommendation at the next meeting.

Mr. Downsbrough moved to appoint Cindy Solic to the Centre Region Recreation Authority Board. Seconded by Ms. Whitman, the motion passed 5-0.

b. Voucher Report

A copy of the December 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.

Mr. Trevino moved to approve the December 2017 Voucher Report. Seconded by Mr. Downsbrough, motion passed 5-0.

8. ADMINISTRATION

c. Finance Records Disposition

The Finance Department has identified records for destruction in accordance with Township Resolution 2009-014, our policy for records disposition. Included with the agenda materials is a copy of the proposed resolution.

Mr. Treviño moved to adopt Resolution 2018-003 authorizing destruction of these records. Seconded by Ms. Whitman, the motion passed 5-0.

9. MANAGER'S REPORT

a. Communications/website/social media

Mr. Pegher stated that funding is in the CIP to get a new website and is in the early stages. He stated that looking at starting/improving the Social Media sites along with the new website.

Mr. Downsbrough stated that with just one person having access to the facebook page may be a down fall. Mr. Pegher stated that this is something he is looking into.

9. MANAGER'S REPORT

b. CBICC

Patton Township is a member of the Chamber of Business & Industry Centre County (CBICC). The CBICC is the champion of economic development and business growth in Centre County. The CBICC is instrumental in shaping policy and working collaboratively with local, county and state partners to bolster private industry.

Through the Centre County Economic Development Partnership – a growing group of financial institutions, local municipalities, and Penn State University – the CBICC is working to strengthen the local economy using a multifaceted economic development mission focused on business retention/expansion efforts, business recruitment, and entrepreneurial support.

c. ABC Dinner

Mr. Pegher reminded the Board that the ABC Dinner is on Friday at 6pm.

d. PSATS

Mr. Trevino, Mr. Downsborough, Ms. Whitman, and Ms. Buckland all stated that they will attend.

10. COMMITTEE REPORTS

a. Transportation and Land Use

Ms. Whitman stated that they are working on the bicycle paths and making this a region a bicycle friendly region. She stated that the Boal Avenue is considered a road diet and it has to do with reducing traffic and increasing public transportation.

b. Public Safety

Mr. Trevino stated that Public Safety did the annual election and appointments.

c. Human Resources

Ms. Buckland stated that have hired a Labor Law Lawyer to look into the reclass of exempt and non-exempt employees.

d. Finance

Mr. Downsborough stated that they received a recap of banking activities in 2017.

e. Parks Capital

Ms. Buckland stated that they discussed the Whitehall Park and the future of the committee itself.

f. Executive Committee

Mr. Abrams stated that they discussed creating an Ad Hoc COG Building Committee.

The Board agreed that there should be an elected official and the Finance Director who should attend the Ad Hoc COG Building Committee meetings.

11. **OTHER BUSINESS**

There was no other business.

12. **ADJOURNMENT**

Mr. Downsborough moved to adjourn the January 24, 2018 Board of Supervisors meeting at 8:37PM. Seconded by Ms. Buckland, the motion passed 5-0.

Douglas J. Erickson, Township Secretary