

ATTENDANCE:

BOARD	Elliot Abrams, 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 Doug Erickson, Township Manager Greg Garthe, Planner	
ABSENT	George Downsborough, Jr., Vice-Chair	
AUDIENCE	C-NET (3) Scott B. Miller, Resident Mary Lou Dubil, Resident Anita Thies, Resident Ram Narayanan, Resident Mel Mark, Resident John Macki, Resident Patricia McMullen, Resident Bill Newton, Resident Cathy Prosek, Resident Tony Fruchtl, Penn Terra Eng Dick Repsher, Resident Jackie Hershberger, Resident Danielle Dudas, Resident Lee Venesky, Resident Chris Kirkpatrick, Resident Scott Sheeder, Resident Kathleen Domenig, Resident Ross Bellinger, Resident Kate Mount, Resident Russ Watson, Resident Jon Keller, Resident Donna McGrath, Resident Seann Reed, Resident Caitlin Chu-Kennedy, Resident Linda Lochbaum, Resident Tom Fonda, Resident Rick Maher, Resident Doug Glanert, Resident Kiarra Baums, Resident Peter _____, Resident Carol Dwyer, Resident Eli Hughes, Resident	Mark Ballora, Resident Jim Payne, Resident Karen Dabney, Resident Vijaya Narayanan, Resident David Panko, Resident Sandy Mackin, Resident Pamela Robb, Resident Bob Prosek, Resident Ruth Smith, Resident Phil Park, Resident Dale Hershberger, Resident David Stone, Resident Patrick Dudas, Resident Joan Kirkpatrick, Resident Betty Harper, Resident Brian Henry, Resident Greg Paulsen, Resident Esther Benitez, Resident Sandra Craig, Resident Sierra Keller, Resident Brett Green, Resident Lyn Pipenberg, Resident Cindy Reed, Resident Tom Spencer, Resident Andrew Richards, Resident Bill Stuedler, Resident Christina McDonald, Resident Nichol Geszvain, Resident Ken Walsh, Resident Michael Mave, Resident Sanford Schwartz, Resident

1. **CALL TO ORDER**

The March 14, 2018 Board of Supervisors meeting was called to order by Chair Abrams at 7:02 PM.

Pledge of Allegiance

2. **APPROVAL OF MINUTES**

Mr. Treviño moved to approve the minutes of the February 28, 2018 meeting. Seconded by Ms. Buckland, the motion passed 4-0.

3. **PUBLIC COMMENTS**

There were no public comments.

4. **PUBLIC SAFETY**

a. **February 2018 Police Report**

Chief Jolley stated that the February 2018 Police Report was included with the agenda materials and gave a brief overview. He introduced Officer Vardzel and Officer Finocchio to the Board, the newest officers to the Police Department.

5. **PUBLIC WORKS**

a. **Emergency Power to Public Works Shop**

Mr. Erickson stated that the 2018-2022 Capital Improvement Plan included \$30,000 (\$10,000 in 2018 for design and \$20,000 in 2019 for installation) to design a solution and install equipment to provide emergency/back-up electrical power to the Public Works Shop/ Garage. Fernsler Hutchison Architects, along with Peno Engineering, were retained to develop and design the best approach to the issue.

The consultants have concluded that the best approach is to abandon the current, separate electrical service feed to the Shop/Garage and provide a new service feed through the electrical service to the Office Building. Under this scenario when electrical service is interrupted both the Office and the Shop/ Garage will be powered by the existing 500KW generator at the Office. There is sufficient capacity with both the existing feed into the Office and the generator to support this proposal.

The construction/bidding documents have been prepared. The Code office has reviewed the plans and is ready to issue a permit for the work. The following items are included with the agenda materials:

Project (PW-26) justification from the Capital Improvement Plan
Agreement with Fernsler Hutchison Architects
Bidding Specifications and Construction Plans

The Manager recommends that the bidding and installation for this project be advanced to 2018. Funding is available in the General Fund Cash Balance.

Mr. Treviño moved to approve the Emergency Power to Public Work Shop for bidding. Seconded by Ms. Whitman, the motion passed 4-0.

5. **PUBLIC WORKS (Continued)**

b. **Potential for Grant Funding for Reconstruction of Bernel Road / Fox Hill Road Intersection**

Mr. Erickson stated that over the last three years the Township has reviewed and approved the Master Plan and several Land Development Plans for the 60 acre parcel at the intersection of Bernel Road and Fox Hollow Road now known as the Nittany Valley Sports Centre (NVSC). Plans have been approved for the indoor sports center, a personal care home and twelve duplex dwelling units. The remainder of the development is expected to include a mix of office, retail, lodging and light industrial uses.

Throughout the review process, there has been an expectation that future traffic generated by this development would trigger the need to rebuild and reconfigure the intersection of Bernel Road and Fox Hill Road. The current intersection configuration is a “non-standard” tee – with eastbound left-turning traffic on Fox Hill having the right-of-way over through westbound traffic. The proposed reconstruction of the intersection would result in a standard tee configuration with a stop sign on the Bernel Road approach and free-flowing through traffic on Fox Hill Road. The reconstruction (plan included with Update materials) would also provide left-turn lanes for eastbound Fox Hill and southbound Bernel traffic.

As authorized by the Municipalities Planning Code (MPC), the Township has informed the NVSC developers that they would be required to undertake the intersection work as a traffic mitigation measure on an adjacent roadway. Concurrently, the Township recognized the scope of this requirement and included \$100,000 of funding in our Capital Improvement Plan for the project, and offered to assist with finding other funding partners.

The NVSC developers have retained Delta Development (Delta) as a consultant. Mr. Leroy Kline of Delta recently approached the Manager and provided the previously noted plan for reconstruction and a cost estimate (included with Update materials) of \$1,555,500 for the project. Delta is advising their client that the project is eligible for grant funding through PennDOT’s Multi-Modal Transportation Fund (MTF). (The Township has previously received an MTF grant for the Valley Vista Drive left-turn lane project.)

The NVSC developers are expected to soon make a formal request to the Board of Supervisors to be the project applicant and sponsor. Having a municipality as the grant sponsor will greatly improve the competitiveness of the application. In initial discussions with Delta, the Manager has offered that the Township might favorably consider the request with the following conditions:

- The Township’s cash outlay is limited to \$100,000 and all other match monies and cost overruns would be covered by the NVSC developers, and
- The NVSC developers will provide a Project Manager and relieve Township staff of those duties.

The Township staff was not planning on submitting an MTF grant application for any other Township project.

5. **PUBLIC WORKS (Continued)**

b. **Potential for Grant Funding for Reconstruction of Bernel Road / Fox Hill Road Intersection**

No action is required at this time. A formal request of the Board is expected for the March 28th meeting. The grant application must be submitted by March 30th. Board members should identify questions and concerns they would like addressed prior to considering action at the March 28th meeting.

6. **PLANNING & ZONING**

a. **Planning Commission Report**

Mr. Prosek stated that Planning Commission met and discussed the Walmart Online Grocery Pick-Up Lane, Rezoning of 1932 Waddle Road and 1943 Weaver Street to Office Buffer District and received a report from the members of the Patton Crossing Advisory Committee.

b. **Planning Commission Recommendations**

The Planning Commission (PC) met on March 12, 2018. A copy of the PC agenda was included with this meeting's agenda materials. The PC took action on the following items:

[1] **See PC Agenda Item 4; Walmart #1640 – Online Grocery Pick-Up**

Mr. Garthe stated that the Planning Commission recommends conditional approval of the plan with completion of all items noted on staff's marked up comment letter. The Board should consider action to conditionally approve the plan as recommended.

Mr. Treviño moved to conditionally approve the Walmart #1640 Online Grocery Pick-Up including the addition as a note stating the hours of operation would be 8:00am to 10:00pm. Seconded by Ms. Buckland, the motion passed 4-0.

Mr. Miller asked when the construction would start. Mr. Erickson stated that he is unaware of exactly when it will start.

[2] **See PC Agenda Item 5; Ordinance Removing the Town Center Requirements for the Gray's Woods Planned Community**

Mr. Garthe stated that the Planning Commission recommends approval of the proposed Ordinance. The Board should consider scheduling a date for a Public Hearing on the issue. The next available date for a Public Hearing is April 25, 2018.

Mr. Miller stated that if the developer is not going to build a town center then they should not be able to have more units. Mr. Erickson noted that the proposed change would not alter the number of units permitted in Gray's Woods.

The Board directed staff to return for the March 28, 2018 meeting with a report on Mr. Miller's claim.

6. **PLANNING & ZONING (Continued)**

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

[3] **See PC Agenda Item 6; Request to Rezone 1932 Waddle Road and 1943 Weaver Street to Office Buffer District**

Mr. Garthe stated that the Planning Commission recommends approval of the proposed rezoning. The Board should consider scheduling a date for a Public Hearing on the issue. The next available date for a Public Hearing is May 9, 2018.

Ms. Whitman stated that she is concerned that changing residential property into commercial property will decrease the affordable housing opportunities in the area.

Mr. Miller stated that he is concerned about all the OBD in the neighborhood and feels that it is taking away residential area.

The Board agreed to bring this back on March 28, 2018 to discuss scheduling a Public Hearing on May 9, 2018.

c. **Patton Crossing Rezoning Proposal**

From March 12 PC agenda

The Patton Crossing Advisory Committee (PCAC) met four times in late 2017 and early 2018. The Board of Supervisors established the committee in response to a substantial amount of public input related to the proposed rezoning of 1752 North Atherton Street and the establishment of a Mixed-Use Overlay 2 (MXD2) zoning district; both related to the *Patton Crossing* mixed-use development proposal. The purpose of the committee was to gather additional community input on the rezoning request, proposed MXD2 regulations, and the specific proposal for *Patton Crossing*. The committee is composed of residents, Planning Commission members, the developers, and township staff.

After four meetings, the Committee has not reached consensus on the major areas of disagreement between the developers and the Park Forest residents participating as the citizens' advisory group on the PCAC. A summary of the February 12, 2018 meeting and a table of the opposing positions of each group are attached for your review. The major areas of disagreement include maximum permitted height for buildings and landmark features, building and parking setbacks, and maximum impervious coverage. In addition, the PCAC has not come to agreement on access to and from the site via Park Forest Avenue. Staff notes that this is not a matter of zoning regulations, and can be determined at the time of master plan approval, but the opposing positions have been included in the attached table.

After the February PCAC meeting, the developers met with township staff and offered revised proposals for height and setbacks, which are included in the attached table. In addition, the citizens' advisory group has offered a specific position on maximum allowable impervious coverage, which is also included in the table.

6. PLANNING & ZONING (Continued)

c. Patton Crossing Rezoning Proposal (Continued)

From March 12 PC agenda (Continued)

At their March 14, 2018 meeting, the Board of Supervisors will be presented with the positions of both groups, and may opt to set a public hearing to consider action on the MXD2 ordinance.

Planning Commission members Bill Steudler and Richard Schmidt attended the February 12, 2018 PCAC meeting and will provide an update.

The following items are included with the [PC] agenda:

1. February 12, 2018 Patton Crossing Advisory Committee Meeting Summary
2. Table of PCAC Citizens Advisory Group and Developer Positions
3. Letter to Township from Citizens Advisory Group
4. *Patton Crossing* Concept Plan, February 2018

End of PC agenda materials

The Manager offers the following format for discussion on the proposal:

- 1) Introduction by the Planner
- 2) Review of latest Concept Plan by Developer(s)
- 3) Report from Planning Commission member(s)
- 4) Comments from members of the Advisory Committee
- 5) Comments from others in the audience

Following the above steps, the Board may further discuss the rezoning proposal and ask questions of the Developers, the Advisory Committee and Township Staff. If Board members require additional information for their consideration, this should be identified and requested, as appropriate, from Staff, the Developers or the Committee members.

The next steps that would lead towards taking action on the proposed rezoning include:

- a. Finalizing the proposed zoning regulations for the Mixed-Use Overlay 2 (MXD2) zoning district. This would include reconciling or resolving the positions presented on building height, setbacks and impervious cover. The latest version (MDX2 v.4) of the overlay regulations is included with the agenda materials; the Developer's positions are included, and highlighted, on pages 11 to 13.
- b. Set a date(s) for Public Hearing(s) for
 - [1] adopting the new MDX2 zoning regulation, and
 - [2] rezoning the subject property to C-2 with the MDX2 Overlay.

Item "a." above must be completed at least 30 days prior to the Public Hearing date. Public Hearings could be held on one or more of these future scheduled Board meeting dates:

April 25th

May 9th

May 23rd

June 20th

6. PLANNING & ZONING (Continued)

c. Patton Crossing Rezoning Proposal (Continued)

The agenda materials also included a comment letter from a Park Forest resident that was received in January and 2 emails received on March 8th.

Eleven (11) comment letters/e-mails received between 11 am March 9th and Noon March 13th were also included with the Revised agenda materials.

Mr. Poole gave a brief overview of the Patton Crossing Rezoning Proposal. He stated that they are asking for Mixed Use with an overlay instead of R3.

Mr. Miller stated that once the property is Mixed Use he can use it any way he wants.

Ms. Thies stated that the PCAC is concerned about the specifics of the Zoning that will have certain heights and setbacks.

Mr. Richards stated that he is not a huge fan but does understand there will be development in the area and is concerned about the access to Park Forest Avenue and limiting heights of the buildings. He asked what would go there with the current zoning.

Mr. Treviño stated that the R3 rear set back is 50 feet and 30 feet on the side with a maximum height is 60 feet. He stated that if a plan is submitted that meets all of the setbacks that the Board will need to approve it.

Mr. Abrams asked Mr. Steudler's what were the Planning Commission's comments on the access of Patton Crossing. Mr. Steudler stated that the Planning Commission was not sure what the best option would be.

Mr. Payne stated that C2 setbacks are 90 ft and one of the things that the MXD2 Matrix was the buffer plantings which is hardly nothing.

Mr. Narayanan stated that Board as residents could be in their position one day.

Ms. Whitman suggested having information on the website specifically for Patton Crossing information.

Mr. Dudas stated that this is a great place to raise a family but is specifically concerned about the traffic this development will be bringing to the neighborhoods.

Mr. Walsh asked if there will be another public meeting for residents to speak again about Patton Crossing. Mr. Abrams answered yes, because there should be at least two more meetings.

Mr. Park stated that having an access to Park Forest Avenue a straight in and straight out would help improve traffic flow in the area.

In a Straw Poll, four Supervisors agreed that any potential access to the Patton Crossing development via Park Forest Avenue be a controlled access for CATA buses and emergency vehicles only.

7. ADMINISTRATION

Mr. Erickson stated that Glenn O. Hawbaker is using the Penn State Mobile Home site as a staging area for the drainage work they are doing on Atherton Street past Aaron drive.

a. Open Container Ordinance: Discussion on Penalties

Last month the Board considered action on a proposed Ordinance to prohibit “open containers” on public property (included with the agenda materials). The Board decided to review the proposed penalties prior to taking final action.

The proposed Ordinance included the following penalties;

Any person who shall violate the provisions herein relating to open containers of alcoholic beverage shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 for the first offense; \$250.00 for the second offense, and not less than \$500.00 for any subsequent offenses in any 120-day period plus the cost of prosecution or, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days.

The Board has wide discretion in setting the penalty amounts. The specific amounts included above can be restated in one of the following manners:

With no modifier – i.e. “a fine of \$100 for the first offense”

With a modifier - i.e. “not less than” or “not more than”

As a range - i.e. “not less than \$___ and not more than \$___ for”

A sampling of other fine levels included in the Patton Code include:

False Alarms (48-8 & 48-9) written warning 1 st , 2 nd , 3 rd ;	\$100 to \$600 for subsequent
Animal running at large (52-1 tp -4)	\$35 to \$1000
Dog sanitation (52-7 & -8)	1 st \$25, 2 nd \$100, subsequent \$200+
Brush & Grass (58-1 to -4)	1 st warning, 2 nd \$35 to \$1000
Parking in Fire Lanes (78-4 & -5)	\$25 to \$75
Nuisances (107-1 to -3)	1 st warning, 2 nd \$35 to \$1000
Snow on Sidewalk (149-39 –TO -41.1)	\$15 to \$1000
Subdivision and Land Development (153-46)	not more than \$500
Snow Emergency Parking (167-20)	\$15
Zoning (175-53)	not more than \$500

The Board should determine an appropriate fine schedule and provide direction to staff towards moving the proposed Ordinance towards final action.

Ms. Whitman stated that she would like to propose the fine be not less than \$50 nor more than \$100 for the first offense.

Mr. Miller stated he was concerned because Patton Township did not have an ordinance.

Mr. McClain stated he would prefer a sliding scale

7. ADMINISTRATION (Continued)

Mr. Erickson stated that he will have Chief Jolley work with Judge McClain and the Solicitor to revise the penalty section and bring it back for the March 28, 2018 Board Meeting.

a. Voucher Report February 2018

A copy of the February 2018 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. Treviño moved to approve the February 2018 Voucher Report. Seconded by Ms. Buckland, the motion passed 4-0.

8. MANAGER'S REPORT

a. Development Update

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

b. Chamber of Business & Industry of Centre County (CBICC) presentation.
Ms. Buckland asked how do we identify businesses and funnel them to the Chamber; how can we promote diversity for small business ownership, what is being done for business retention and workforce development in the County. Mr. Erickson state he will schedule a presentation from the Chamber President.

c. Upcoming Events

- [1] March 29, Centre County Association of Township Officials (CCATO) Spring Convention (enclosed)
- [2] March 30, Township Office closed
- [3] Watershed Cleanup Day, April 21 (enclosed)
- [4] PA State Association of Township Supervisors (PSATS) Conference April 22-25
 - a. CCATO Breakfast, April 24
- [5] Household Hazardous Waste Collection, April 27-28
- [6] Primary Elections, May 15
- [7] Children's Fair, May 19 10 am to 3 pm

d. Special Board of Supervisors Meeting to be held March 26, 2018 at COG to consider action on Act 537 Special Study (draft Resolution enclosed)

9. COMMITTEE REPORTS

There was nothing to report.

10. OTHER BUSINESS

There was no other business.

11. ADJOURNMENT

Mr. Treviño moved to adjourn the March 14, 2018 Board of Supervisors meeting a 10:11PM. Seconded by Ms. Whitman, the Chair adjourned the meeting.