

**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 Doug Erickson, Township Manager Greg Garthe, Planner	
AUDIENCE	C-NET (3) John Bonowitz, BSSF Brian Henry, Resident Jodi Liedig, Halfmoon Resident Leo Veneskey, Resident Anita Thies, Resident Jim Payne, Resident Bill Newton, Resident Matthew Halloran, Resident Ken Walsh, Resident Colleen Barrett, COG CRPA Heidi Nicholas Jean Singer, Park Forest Apts.	Scott Miller, Resident Jeff Walker, BSSF Kathleen Domenig, Resident Rick Maher, Resident James Groef, Resident Brenda Walsh, Resident Don Gordon, Resident Ara Kavandjian Matt Patterson, Resident Mary Lou Dubil, Resident Bob Poole

1. **CALL TO ORDER**

The April 25, 2018 Board of Supervisors meeting was called to order by Chair Abrams at 7:00 PM.

Pledge of Allegiance

2. **APPROVAL OF MINUTES**

Mr. Treviño moved to approve the April 11, 2018 Meeting Minutes. Seconded by Mr. Downsborough, the motion passed 5-0

3. **PUBLIC COMMENTS**

Mr. Miller asked when the Public Hearing for the OBD rezoning was to be held. Mr. Erickson stated the meeting is at May 23<sup>rd</sup> at 4:00PM.

Mr. Abrams stated that the May 9, 2018 Board of Supervisors Meeting will be held at the Park Forest Middle School.

Ms. Liedig asked about 116 Heiskel Drive that is considered Open Space and asked about purchasing it for a home lot. Mr. Erickson stated that we will have to look into this and see if this is a possibility.

Ms. Whitman stated that on May 5, 2018 at the Boal Mansion there is a Native Plant Sale.

**4. PUBLIC WORKS**

**a. Spring Road Report**

Mr. Casson stated that the Spring 2018 Road Report was included with the agenda materials and provides recommendations for the 2018 road maintenance program. Major items expected to be scheduled include:

<b>STREET</b>	<b>FROM</b>	<b>TO</b>	<b>RATING</b>	<b>LENGTH (ft)</b>	<b>WORK TYPE</b>
Sandy Ridge Road	Valley Vista Drive	End	84	2640	Homestead Farms Overlay
Toftrees Avenue	Cricklewood Drive	900 ft. from Cricklewood	83	900	Overlay
Vairo Boulevard	N. Atherton Street	N. Atherton Place	72	650	Microsurface
Highland Drive	Briarwood	N. Oak Lane	71	690	Overlay/Curbing
Brittany Drive	Lancashire Drive	Portsmouth Road	74	1,120	Overlay
Driftwood Drive	Carnegie Drive	End	67	420	Overlay
Cricklewood Drive	N. Barkway Lane	Wilts Lane	82	965	Overlay
Upper Julian Pike	~600 ft. from Twp. Line	Pavement Seam	76	2000	Overlay
Township Parking Lot	Green Tech Drive	End	N/A	469	Overlay
<b>Total Length (ft)</b>				<b>9,854</b>	

Attached to the report is 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.

The Board directed the Manager to place an item on the June agenda to address the North Oak Lane curbing issue. Mr. Downsborough moved to accept the report and authorize bidding for the recommended improvements. Seconded by Ms. Buckland, the motion passed 5-0.

**b. Bid Award: Gray's Woods Park Phase 1**

*From the June 5<sup>th</sup> Planning Commission Agenda for LDP review:*

Phase 1 construction activities will include an age-segregated playground with aquatic theme, a "live-roof" picnic pavilion, porous concrete walks and pavements, stone retaining wall and steps, walking trails, and interpretive signage. Parking will include 6 gravel spaces and 2 asphalt ADA spaces. The entrance to the park will be provided by a 30' access easement over the existing gravel portion (future 80' ROW) of Gray's Woods Boulevard. This necessitates the relocation of the gate at the end of the paved portion of the boulevard to a point just beyond the park entrance, and the addition of another gate inside the park to restrict vehicular access through the park.

**4. PUBLIC WORKS (Continued)**

**b. Bid Award: Gray's Woods Park Phase 1 (Continued)**

*From the June 5<sup>th</sup> Planning Commission Agenda for LDP review (Continued):*

The State College Borough Water Authority will continue to be able to have unrestricted access to their nearby wells in Halfmoon Township. The proposed stormwater facilities for the park are designed as Best Management Practices (BMPs) and will include native plantings.

*End of the June 5<sup>th</sup> Agenda materials*

Mr. Erickson stated that the Bids were opened on April 12<sup>th</sup>. Three bids were received, and one was subsequently withdrawn due to significant errors.

The project design consultant, YSM, reviewed the remaining two bids and noted the following:

John Spearly Construction, Inc.

- No (examples of) site work related projects provided
- References (names and phone numbers) were not provided
- The list of subcontractors was blank
- Spearly was approached twice regarding supplying above information; and to date they have provided one contact name and number

Glenn O. Hawbaker, Inc.

- Bid Form was not notarized or sealed by the Contractor
- Unit Price for Mitigation of Unstable Subgrade appears high ...

The Public Works Project Manager, the Township Manager and the Township Solicitor also reviewed the bids and the YSM comments and make the following recommendation:

It is recommended that the Board award the contract to the lowest bidder for the Base Bid with Deduct Alternate No. 1, Glenn O. Hawbaker, Inc, of State College in the amount of \$555,145.00, and reject the costs associated with Unit Price No. 1 – Mitigation of Unstable Subgrade.

Alternately could opt to reject all the bids and re-advertise the project.

The following items were included with the agenda:

1. A location map of the property
2. YSM Bid Recommendation letter(April 19, 2018) with Bid Tabulation
3. Sheets 1 and 3 of the construction plan (complete bid documents available on request)

Mr. Downsborough moved to award the contract to the lowest bidder for the Base Bid with Deduct Alternate No. 1, Glenn O. Hawbaker, Inc, of State College in the amount of \$555,145.00, and reject the costs associated with Unit Price No. 1 – Mitigation of Unstable Subgrade. Seconded by Mr. Treviño, the motion passed 5-0.

## 5. PLANNING AND ZONING

### a. Proposed Signage for Development Proposals

*From the December 4<sup>th</sup> Planning Commission Agenda:*

Matter of Record: Ferguson Township Development Review Notice Signs At the November 6, 2017 Planning Commission meeting, in relation to the proposed *Patton Crossing* project, more information on the public notification procedures of other municipalities in the Centre Region was requested. Specifically, there was interest in temporary signage posted at development sites, and Ferguson Township was cited as an example of a local municipality utilizing such a process. Ferguson Township requires subdivision and land development applicants to post one or more signs on properties that are under consideration for development within 10 days of submitting a plan for review. Applicants have the option of renting sign(s) from the Township, or having them made in accordance with the sign design standards set forth in **§22-308 Development Review Notice Signs** of the Township Code, ~~which is attached for your review.~~ *End of PC agenda materials*

*From the December 13 Board of Supervisors Minutes:*

During Public Comments at the December 4<sup>th</sup> meeting a resident requested that the Planning Commission make a recommendation to the Board of Supervisors to adopt regulations to require signage as Ferguson Township does. Staff explained that to implement such a requirement would require drafting an ordinance, making a recommendation to the Board and holding a public hearing, and that the earliest that a public hearing could be held would be late January or February.

Following review of the Ferguson Township requirements the Planning Commission voted to recommend to the Board that they adopt an ordinance for posting properties under development reviews by using the Ferguson Township model.

*End of Board Minutes materials*

At the December meeting the Board directed staff to revise the draft ordinance to include the following elements:

- The Township would pay initial costs to have signs made.
- The Township would collect a deposit from developers for use of the sign.
- Signs would be installed for almost all development items that require action by the Board of Supervisors
- Separate signs would also be used for Zoning Hearing Board matters.
- Developers/applicants would be responsible to pick up, transport, install and return the signs.
- Staff to report back to the Board on the estimated number of signs required and the cost to produce the signs.

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

**a. Proposed Signage for Development Proposals (Continued)**

An updated draft, red-lined Ordinance (v2.0) is included with the agenda materials. The Planner collected the following information of sign requirements/practices and inventory held by the Centre Region Municipalities:

<b>Municipality</b>	<b>Signage Policy</b>	<b>Expense</b>	<b>Inventory</b>
College	No formal requirement but Township staff posts property as a best practice	Township	6 signs
Ferguson	Developer required to post property (in SALDO)	Developers rent signs from Township or produce to the standards in SALDO	8 signs
Halfmoon	No formal requirement or policy	N/A	N/A
Harris	No formal requirement or policy	N/A	N/A
SC Borough	No formal requirement or policy	N/A	N/A

Staff estimates the cost to produce signs, ready to use, will be between \$300 and \$400 per sign and recommends that the inventory include 8 development signs and 4 Zoning Hearing Board signs.

Highlights of Current Draft Ordinance

*Exemptions:* Lot Consolidations

Subdivision Plans that only adjust lot line locations and do not create any additional lots.

Applications for Temporary Use Permits

*Number of Signs required:* One sign shall be placed every 1,000 feet, or portion thereof, along each side of the property which abuts a public right-of-way

*Mapping Requirement for Township:* Ferguson maintains a map showing locations of [development proposals](#). Should we do likewise?

Following a brief introduction by the Manager on the draft Ordinance and input from the audience, the Board should discuss and provide direction to staff to 1) amend the draft ordinance and return for additional consideration, or 2) advertise for a Public Hearing for the proposed Ordinance.

Mr. Downsborough stated he was attracted by College Township's approach.

Mr. Gordon stated that he supports this process.

Mr. Abrams suggested looking at this as a Policy approach and if needed later we can look into an Ordinance.

Mr. Erickson will revise this as a Policy and bring back to the Board for review.

## 5. **PLANNING AND ZONING (Continued)**

### b. **Patton Crossing**

Mr. Garthe stated that the following remarks provided at the April 11<sup>th</sup> meeting under the Public Comments item on the agenda, the Board opted to include this item on the agenda this evening.

Public Hearings have been scheduled and advertised for May 9<sup>th</sup> to take comments on the proposed Mixed Use Overlay District 2 (MXD2) and rezoning the properties to Planned Commercial (C-2) along with the MXD2.

The following format is suggested for this evening's discussion:

- An brief introduction by the Township Planner,
- A brief review of Concept Plan by the development team,
- Comments from the audience, and
- Board discussion

The following items were included with the agenda:

- Patton Crossing Concept Plan, February 2018
- Table of PCAC Citizens Advisory Group and Developer Positions
- The advertised version of the MXD2 proposed regulations (MDX2 v.6.2) in Ordinance format
- The draft Ordinance for rezoning the properties to Planned Commercial (C-2) along with the MXD2
- Comment letters/emails received between 4 pm March 28<sup>th</sup> and noon, April 20 (Comments received between noon, April 20 and noon, April 24<sup>th</sup> will included in supplemental materials to be published on April 24<sup>th</sup>. Comments received between noon, April 24<sup>th</sup> and 4 pm, April 25<sup>th</sup> will be provided to the Board at the meeting.)

Supplemental information is available on Township website at <http://twp.patton.pa.us/patton-crossing>

Following discussion, the Board should provide guidance to staff on next steps.

- Comment letters/emails received between noon, April 20 and noon, April 24<sup>th</sup> are included with the Update materials.

Mr. Poole gave a brief review of Concept Plan.

Mr. Maher, Mr. Walsh, Ms. Singer, Mr. Mark, Mr. Payne, Mr. Grief, Mr. Halloren, Mr. Patterson and Mr. Miller all provided comments on the proposed development.

Mr. Abrams stated the Public Hearings will be held on May 9<sup>th</sup> at Park Forest Middle School.

**6. ADMINISTRATION**

**a. 2017 Financial Statement**

The Township's appointed auditors have completed their audit and review of the Township's financial activities for 2017. John Bonowitz, CPA, of Brown, Schultz, Sheridan & Fritz, will provide an overview of the audit report. Mr. Bonowitz and the Director of Finance and Administration will be available to respond to any questions that the Board members may have. The audit is included with the agenda materials.

Mr. Bonowitz and Mr. Walker gave a brief overview of the 2017 Financial Statement.

**b. Sustainability Resolution**

*From the September 13, 2017 Board of Supervisors minutes:*

Mr. Erickson stated that at the August Board meeting it was noted that two of the Centre Region municipalities had recently adopted resolutions on reducing greenhouse gas emissions. The Board requested an opportunity to review these resolutions.

Mr. Luck stated that he is more inclined to go with something more like Harris Township's resolution than Ferguson Township's.

Mr. Downsborough stated that he would be interested in making sure the police department's perspective is incorporated with whatever we come up with as it relates to vehicles. *End of  
Board minute materials*

Copies of the above referenced resolutions were included with the agenda materials.

The Manager suggests, due to turnover on the Board, that the discussion start anew with a review of the Resolutions from Harris and Ferguson Townships to achieve net zero greenhouse gas emissions.

The Board should discuss the matter and provide direction to the Manager on next steps.

Ms. Buckland stated that she like a combination of the two examples and that it needs to be a real response to real problems.

Ms. Whitman stated that she likes strategy vs tactical and wished to include metrics.

Ms. Buckland offered to lead the initiative and will seek input from the other Board members and COG and Township staff.

6. **ADMINISTRATION (Continued)**

c. **Council of Governments (COG) 2019 Budget Guidance**

Mr. Downsborough stated at the April 12<sup>th</sup> COG [Finance Committee](#) meeting, there was a discussion (Item 6) regarding providing guidance to COG staff on the need or desire to “set a guideline regarding changes in the overall annual COG Budget.” For the 2017 and 2018 COG budgets, the General Forum had set the increase guidance at no more than 2.75%.

COG staff has recommended that the percentage be increased from the 2.75% level set for the 2018 budget and cited several examples of expected increases already known for next year.

The Committee has requested that the elected bodies of the member municipalities provide input to their committee representative on a) the continuing need/desire to provide a percent increase limit to COG, and b) if needed/desired, what is the appropriate/desired level for 2019.

The Board should discuss the matter and provide input for Mr. Downsborough to take back to the Committee.

Mr. Downsborough stated that 3.75% would be a target that will cause COG to sharpen their pencil.

The Board agreed to recommend a guideline of 3.75%.

d. **Noise Issues: Policy to Establish Normal Hours for Construction Work**

In February the Board reviewed a proposed Noise Ordinance, modeled on regulations in place in the Borough of State College. Several issues were raised regarding the proposed ordinance and other noise-related matters. The proposed ordinance was tabled by the Board and the Chair directed the Manager to bring the issue back for discussion in April. Issues identified in February and confirmed in April included (but were not limited to):

Construction Activities – Policy needed? Restrictions on certain equipment? Issues with phased developments.

Enforceability of subjective noise standards - What is record/ experience in State College Borough and other jurisdictions? Case law and legal precedents? Pros and cons of objective standards for noise enforcement.  
*(Manager’s note: Chief Jolley is compiling a preliminary report on these issues – additional information may be provided in a supplemental agenda distribution prior to the meeting.)*

At this time, the Manager has drafted a proposal for a Policy establishing acceptable hours of construction activity within the Township, and establishing protocols for dealing with requests to deviate from the policy and emergencies.

The Manager will provide an overview of the draft policy. The Board should review and discuss the draft and provide direction to the Manager on next steps.

**6. ADMINISTRATION (Continued)**

**d. Noise Issues: Policy to Establish Normal Hours for Construction Work**

Chief Jolley has compiled a report on the "Enforceability of subjective noise standards" and related topics. (included with the Update materials.) This is provided for the Board's information only at this time -- the subject will be included in a future Board agenda.

Mr. Gordon stated that parts of Patton Township has been using Ferguson Township standards for quite awhile.

Mr. Newton suggested shortening the construction time to 7:00pm.

Mr. Downsborough asked if it is legal to having a noise ordinance for certain zoning districts. Mr. Erickson stated that we might be able to exempt agricultural activities.

Mr. Erickson stated that he will bring an ordinance to the Board for the June or July meeting.

Ms. Whitman moved to change the Normal Hours for Construction Work to be from 7:00AM to 7:00PM. Seconded by Ms. Buckland, the motion passed 4-1, with Mr. Downsborough voting no.

**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) Approve Purchase of Patrol Vehicle Purchase**

The Police Department is replacing one patrol vehicle this year. The budget includes \$31,702 for the vehicle and accessory equipment. The Department obtained pricing through the COSTARS cooperative purchasing program. A memo from the Chief is included with the agenda materials.

**It is recommended that the Board authorize the Police Department to order and purchase a 2018 Dodge AWD Police Sedan from Jim Shorkey Chrysler Dodge Jeep Fiat of North Huntingdon, PA, for the price of \$24,938.00.**

7. **CONSENT AGENDA (Continued)**

b. **Public Works**

2) **Line Painting Contract**

Ferguson Township has solicited and received bids for the cooperative line-painting program. The Township Engineer's recommendation and the bid tab for all the participating municipalities is included with the agenda materials.

**It is recommended that the Board accept the bid price of \$16,269.00 for the Patton Township share of the project and agree to the joint contract with Alpha Space Control of Chambersburg, PA for line painting through Ferguson Township.**

Mr. Downsborough moved to approve the Consent Agenda. Seconded by Ms. Whitman, the motion passed 5-0.

8. **MANAGER'S REPORT**

The Manager will report on current matters.

- a. Ghaner Road "No Parking" request  
Chief Jolley stated that Mr. Erickson received a request for posting Ghaner Road with "No Parking". He stated that one of the Officers came across the tractor trailer on April 21<sup>st</sup> and tried to make contact with whoever drives the vehicle because it was parked illegally. He stated that the Officer emailed the business and left a business card and the business stated that they would speak to the driver.
- b. Gray's Woods Sewer Interceptor Update (2017 map enclosed)  
Mr. Erickson stated that the Gray's Woods Sewer Interceptor Update included a 2017 map was included with agenda materials. The work is being delayed by a year.
- c. Centre County West Nile Virus Surveillance and Control Program (enclosed)  
Mr. Erickson stated that Centre County Surveillance and Control Program has started.
- d. Upcoming Events
  - [1] [Household Hazardous Waste Collection, April 27-28](#)
  - [2] [National Prescription Drug Takeback Day](#), April 28, 10 am – 2 pm
  - [3] Municipalities Planning Code Refresher, May 1, 6 pm, Ramada Inn
  - [4] [Bulk Waste Collection, May 7-11](#)
  - [5] [Primary Elections, May 15](#)
  - [6] [Bike to Work Day](#), May 18
  - [7] Children's Fair, May 19 10 am to 3 pm
  - [8] [CATA Open House and Facility Dedication](#), May 23, 10 am (enclosed)
  - [9] [Local Government Advisory Committee to the Chesapeake Executive Council](#) (LGAC) Roundtable, May 30, 7 pm (enclosed)

[10] [PML Sustainability Conference](#), June 5

**9. COMMITTEE REPORTS**

**a. Finance**

Mr. Downs brough stated that the Finance Committee discussed the 2017 Fund Balance Report and the 2019 COG Budget Process.

**b. Parks Capital**

Ms. Buckland stated that the RFP for the regional comprehensive study is 95% complete. She stated that there was 3 acres removed from the farming lease on the Whitehall Road Regional Park.

**c. Spring Creek Watershed Commission**

Mr. Treviño stated that the Spring Creek Watershed Commission held a public forum last Wednesday at CPI and was very well attended.

**d. Centre County Metropolitan Planning Organization**

Mr. Erickson stated that the MPO will send a letter of support in regards to the I-99/I-80 high speed interchange.

**9. OTHER BUSINESS**

Mr. Downs brough stated that at PSATS that he attended the Sunshine Act/Public Meeting Conduct session and would like to add Public Meeting Conduct to a future agenda and will draft a resolution for the Board to consider.

**10. ADJOURNMENT**

Mr. Treviño moved to adjourn the April 25, 2018 Board of Supervisors meeting at 9:45PM. Seconded by Ms. Whitman, the Chair adjourned the meeting.

---

Douglas J. Erickson, Township Secretary