

ATTENDANCE:

BOARD Elliot Abrams, Chair
George Downsborough, Jr., Vice-Chair
Jessica Buckland, Supervisor
Daniel Treviño, Supervisor
Betsy Whitman, Supervisor

STAFF Betsy Dupuis, Solicitor
Lawrence Pegher, Finance Director
Stephen Casson, Township Engineer
Tyler Jolley, Chief of Police
Doug Erickson, Township Manager
Greg Garthe, Planner
Paul Christner, Assistant Engineer

ABSENT

AUDIENCE	C-NET (3) Dave Gustine, Resident Irene Miller, CBICC Mel Mark, Resident Brian Henry, Resident Ara Kavandjian, State College Kimberly Fragola, CATA Brenda Walsh, Resident Rich Shore, Resident Ken Walsh, Resident Bill Steudler, Planning Commission Vern Squire, CBICC Lesley Kistner, CBICC	Scott Miller, Resident Anita Thies, Resident Jen Myers, CBICC Kathleen Domenig, Resident Heidi Nicholas, State College Dan Hawbaker, GOH Melissa Hicks, Resident Mark Parfitt, CATA Rep Leo Veneskey, Resident Cindy Hahn, C-NET Louwana Oliva, CATA Nicole Smith, CBICC
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1. CALL TO ORDER

The May 23, 2018 Board of Supervisors meeting was called to order by Chair Abrams at 4:00 PM.

Pledge of Allegiance

2. APPROVAL OF MINUTES

Mr. Treviño moved to approve the Revised May 9, 2018 Meeting Minutes. Seconded by Ms. Buckland, the motion passed 5-0

3. PUBLIC COMMENTS

a. Public Comments

Mr. Miller stated that the storm drain was full and his yard was flooded and asked the drains be cleaned out more often. Mr. Erickson stated he will have someone look at this.

b. C-NET Presentation

Ms. Hahn and Mr. Gustine provided a brief presentation on the history, programming and future of Centre County's Government and Education Access Channel. This presentation is for informational purposes only; no Board action is required or requested

4. PUBLIC HEARING: REQUEST TO REZONE 1932 WADDLE ROAD AND 1943 WEAVER STREET TO OFFICE BUFFER DISTRICT

From the April 11th Board of Supervisors Agenda:

The Township received a request to rezone the properties located at 1932 Waddle Road (Tax Parcel ID # 18-013-,078-,0000-) and 1943 Weaver Street (18-013-,069-,0000-). Currently, both of the properties are zoned Medium Density Residence (R3), and the request is to rezone them to Office Buffer District (OBD), which is consistent with the adjacent property to the north.

At their January 24, 2018 meeting, the Board of Supervisors referred the request to the Planning Commission for study and a recommendation. The Board received the Planning Commission's recommendation for approval of the proposed rezoning at their March 14th meeting. At that time questions of public notice and effect of reducing the inventory of lands zoned for multi-family housing were raised.

A Meeting Notice has been mailed to residences in the vicinity and was included in the agenda materials.

In accordance with our Inter-Municipal Shared Zoning Agreement from 2005 with College Township, staff has provided a notification to the College Township Council of the request, which could result in a reduction to the municipal inventory of R3 land. As required by the Agreement, the Centre Regional Planning Commission (CRPC) will also be notified of the request. The letter also includes information regarding the number of multi-family units (~ 5200) that could still be built in Patton Township on undeveloped lands with appropriate zoning. It is expected that this potential change will be declared to be "[de minimis](#)" with respect to the Shared Zoning Agreement. The agreement is available upon request.

The agenda materials also included a location map of the property, the request letter from the applicant, related graphics showing the layout of the properties proposed for rezoning, and the letter to College Township Council.

End of Board of Supervisors Agenda materials

Comments from the Centre Regional Planning Commission and comments received from the public (as of 2 pm on May 18th) were included with the agenda materials.

a. Public Hearing

The Board convene the Public Hearing for the proposed Ordinance 2018-592 to Rezone Tax Parcels 18-013-078 and 18-013-069 from R-3 (Medium Density Residence) To OBD (Office Buffer District) at 4:16PM.

Mr. Hawbaker stated that he does not have anything proposed for the property at this time.

Mr. Miller stated that we are losing valuable land that can be used for homes instead of another office building.

Ms. Hicks stated that she is concerned about the traffic, noise and light conditions.

Mr. Downsborough moved to close the Public Hearing for the proposed Ordinance 2018-592 to Rezone Tax Parcels 18-013-078 and 18-013-069 from R-3 (Medium Density Residence) To OBD (Office Buffer District). Seconded by Ms. Whitman, the Public Hearing was closed at 4:29PM.

4. **PUBLIC HEARING: REQUEST TO REZONE 1932 WADDLE ROAD AND 1943 WEAVER STREET TO OFFICE BUFFER DISTRICT (Continued)**

b. **Action Consideration**

Ms. Whitman stated that she would like a discussion of an Ordinance to promote or regulate or encourage affordable housing.

Mr. Downsborough moved to approve the proposed Ordinance 2018-592 to Rezone Tax Parcels 18-013-078 and 18-013-069 from R-3 (Medium Density Residence) To OBD (Office Buffer District). Seconded by Ms. Whitman, the motion passed 5-0.

5. **ITEMS OF GENERAL INTEREST**

a. **Chamber of Business and Industry of Centre County Presentation**

Mr. Squire addressed the Board, highlighting the Chamber's programs to promote local business retention/growth and to provide support for startups and entrepreneurs.

b. **Patton Crossing – Mixed Use 2 Overlay District**

On [May 9th](#) the Board of Supervisors conducted a Public Hearing on the proposed Mixed Use 2 Overlay Zoning District (MXD2) Regulations. The proposed Ordinance 2018-590 "**Mixed-Use Overlay District 2**" is included with the agenda materials. A plain-language Summary of the proposed regulations is also included with the agenda materials. A motion to approve the proposed Ordinance was offered and seconded, but failed to pass on a 2-3 vote.

Following the meeting, the Board Chair directed the Manager to place the item on this agenda for discussion related to the affordable housing requirements contained in the proposed ordinance. The proposed ordinance requires that a minimum of 5% of the residential dwelling units on a MXD2 site must be affordable housing units for tenants earning less than 65% of the area median income of Centre County. Rental rates are capped at 30% of a tenant's income and the units must remain affordable for 50 years from the date of initial occupancy.

The Manager offers a potential change for the MXD2 regulations to encourage the inclusion of more affordable housing units (would be added to Section J(1) on page 19 of the draft ordinance):

For every additional Affordable Housing (AH) unit above the 5% base requirement, up to an additional 5% (for a total of 10% AH units), the following incentives may be incorporated into a project:

- One additional market-rate unit shall be permitted for each additional AH unit, and
- Both the additional AH unit and the additional market-rate unit shall be exempt from the residential density limit, and
- The impervious coverage limit shall be increased by 1,500 square feet for each additional AH unit.

5. ITEMS OF GENERAL INTEREST (Continued)

b. Patton Crossing – Mixed Use 2 District (Continued)

The Planner has quantified the effect the above change would have on the Patton Crossing project:

Additional Affordable Housing dwelling units (du)	up to 18
Additional Market-Rate dwelling units (1:1 AH du)	up to 18
Additional Parking spaces for all additional units	up to 45
Additional Impervious area permitted on site	up to 27,000 sq ft

The Planner has quantified the effect the above change would have on the Patton Crossing project -- [without change / with change]

Total Affordable Housing dwelling units on site	9 to 18 / 36
Total Market-Rate dwelling units on site	168 to 336 / 354
Total dwelling units on site	177 to 354 / 390
Residential density on site (du / ac)	6.25 to 12.5 / 13.74
Maximum impervious area on site	75% / 77.2% plus 5%*
*for green roofs and pervious pavement	

Following comments from the development team, the Board should take comments from the audience and then discuss potential changes to the proposed ordinance.

The Developer's Concept plan was included with the agenda materials.

With regard to proposed Ordinance 2018-590 "Mixed-Use Overlay District 2 (v6.0)" that was the subject of the May 9 Public Hearing; it is the Township Solicitor's advice that "because the board definitively voted down the ordinance, (the Township/Board would need) to (re)advertise and allow (another) 30 days to approve."

Prior advice from the Manager on this subject should be disregarded.

If the Board determines that changes are desired to the proposed MXD2 regulations, the Board may take action (by motion, second, and vote) to revise the proposed ordinance. A new Public Hearing will be required prior to considering final action on the revised ordinance. A new Public Hearing would need to be scheduled at least 30 days out from this meeting.

MANAGER'S NOTE: A Public Hearing to consider the "Rezoning of Tax Parcels 18-012-021 and 18-012-020 from R-3 AND C-1 to C-2 with the MXD2 Overlay Zone for the Patton Crossing Development" was also included on the May 9th agenda. Without an approved MXD2 district, this matter was rendered moot. Should the Board wish to move forward with an approved version of the MXD2 overlay zoning district, the Public Hearing on the rezoning itself will also need to occur following the final adoption of the MXD2 Ordinance.

5. ITEMS OF GENERAL INTEREST (Continued)

b. Patton Crossing – Mixed Use 2 District (Continued)

Ms. Whitman stated that she was previously concerned with the density, but after discussing with the township manager and planner, she is no longer concerned with the density and approves the ordinance as written.

Ms. Buckland stated that she is supportive of this project because of the density.

Ms. Hicks stated that she is concerned with the extreme density of the development being proposed and concerned about the traffic.

Ms. Thies thanked the Board for respecting and taking time to explain reasons for your decisions.

Mr. Trevino moved to add to the Mixed Used 2 District Ordinance the Manager's suggestion for up to 5% more affordable housing. Seconded by Ms. Whitman, the motion passed 5-0.

Mr. Downsborough moved to relocate Paragraph K7 to Section J. Seconded by Ms. Whitman, the motion passed 5-0.

Ms. Buckland moved to schedule the Patton Crossing – Mixed Use 2 District Public Hearing on July 11, 2018. Seconded by Mr. Downsborough, the motion passed 5-0.

Ms. Buckland left the Board of Supervisors meeting.

6. PUBLIC SAFETY

a. Police Update

Chief Jolley stated that a copy of the April 2018 Public Safety Report was included with the agenda materials and gave a brief overview of the report.

7. PUBLIC WORKS

a. Introduction: Assistant Engineer/Assistant Director of Public Works

Mr. Casson introduced Mr. Paul Christner, P.E., to the Board who joined the Township Staff on April 25th. Mr. Christner will be assisting the Township Engineer / Director of Public Works with management and engineering of Township Projects and general duties of Public Works. Mr. Christner comes to the Township with over six years of consulting experience, most recently with Gannett Fleming, where he focused on water related infrastructure projects.

b. Update to Open Space Regulations for New Acquisitions

Following acquisition of the Haugh Family Farm Open Space in 2006, the Township established regulations governing conduct for visitors to the Open Space. These regulations are contained in Chapter 110, Open Space and Recreation Areas, of the Patton Code.

In December 2017 the Township acquired new Open Space properties in Gray's Woods and Toftrees. In May 2018, the Open Space Stewardship Committee (OSSC) reviewed the

7. PUBLIC WORKS (Continued)

b. Update to Open Space Regulations for New Acquisitions (Continued)

acquisition and character of these properties and provided a recommendation that Chapter 110 be updated to add these properties to the Open Space inventory and establish specific permitted and prohibited activities for each property.

The Manager will provide a brief overview of the Township's Open Space Program, the December 2017 acquisitions, and recommended changes to Chapter 110. The agenda materials include:

- Brief History/ Time Line of Open Space Program-- Attachment 7b.1)
- Financial summary of December 2017 Acquisition -- Attachment 7b.2
- Gray's Woods Preserve mapping -- Attachment 7b.3
- Toftrees Rails to Trails and Conservation Easement mapping --Attachment 7b.4
- Proposed Amendments to Ch. 110 – Regulations for Open Space Use
 - Red Line - Attachment 7b.5
 - Draft Ordinance – Attachment 7b.6

The OSSC will also be bringing forward in the next few months recommendations on these additional work tasks related to these properties:

A. Conservation/Management Goals

- 1) Baseline Study needed?
- 2) Conservation Plan(s) (Forest Stewardship, Wetlands Plan)
- 3) Rare/Endangered Habitat Identification; other Ecological Studies
- 4) Third Party Monitoring?

B. Maintenance/ Improvement Plans

- 1) Perimeter Signage
- 2) Other Signage

As a condition of subdivision approval for the Gray's Woods Preserve, Patton Township agreed to provide the Halfmoon Township Supervisors an opportunity to review and comment "upon any open space management provisions that will guide use of the (portion of the) parcel (in Halfmoon Township), including any future amendments and management practices."

Following the overview by the Manager, the Board should take comments from the audience and then discuss any potential changes to the proposed ordinance. A final draft will then be prepared for review by Halfmoon Township and action at a future Board meeting.

Ms. Hicks stated concerns about the removal of invasive plants.

7. **PUBLIC WORKS (Continued)**

c. **Bid Awards**

1) **2018 Street and Office Parking Lot Overlays**

Three bids were received and opened on May 16th. To keep the project in-line with available funding, the Public Works Director recommends deferring work on Highland Drive to 2019 and awarding the remaining work to New Enterprise Stone and Lime, Inc., for a bid of \$191,175.20. The Director's recommendation memo with bid tabulations and a revised/adjusted bid tabulation is included with the agenda materials.

Mr. Downsborough moved to award the contract to New Enterprise Stone and Lime, Inc., on a bid of \$191,175.20. Seconded by Mr. Treviño, the motion passed 4-0.

2) **Emergency Power Revisions for Shop**

Three bids were received and opened on May 16th. The bids ranged from \$54,600 to \$82,850.

The Manager recommends awarding the contract to Westmoreland Electric Services, LLC. Of Tars, PA, for a bid in the amount of \$54,600.00.

A memo with the bid tabulation and recommendation, and the construction plans for the project were included with the agenda materials.

Mr. Treviño moved to award the contract to Westmoreland Electric Services, LLC. Of Tars, PA, for a bid in the amount of \$54,600.00. Seconded by Mr. Downsborough, the motion passed 4-0.

d. **Proposal for Professional Services to Prepare Construction Documents for Phase 2A Bernel Road Park**

In March the Board authorized the Public Works Department to solicit a proposal from YSM Landscape Architects for the subject project based on the firms prior master planning work on the park. YSM, teaming with ELA Group (civil engineers) and DirtSculpt (pump track designers), proposes to complete the scope of work for a fee of \$69,500. The budget for this item is \$70,000.

A memo from the Public Works Project Manager, was included with the agenda materials, recommends accepting the proposal, also included with the agenda materials, and authorizing the Manager to execute an Agreement with YSM.

Mr. Downsborough moved to approve the proposal from YSM for Professional Services to Prepare Construction Documents for Phase 2A Bernel Road Park. Seconded by Ms. Whitman, the motion passed 4-0.

8. PLANNING AND ZONING

a. Planning Commission Report

Mr. Steudler stated that the Planning Commission had a work session and discussed with State College Borough about reducing the NR-2 open space for expansion of their compost facility

b. Development Notice Signage Resolution

At their April 25th meeting, the Board reviewed a draft ordinance to require developers to post large signs notifying the public that a proposal is under review by the Township. A review of practices undertaken by other Centre Region municipalities showed that College Township's approach was not mandatory for developers, but was undertaken as a public service by the Township staff.

The Manager has re-configured the ordinance into the form of a Policy resolution (see Red-line included with the Agenda materials) to establish a new practice going forward. The Manager provided a brief overview of the first draft of the Resolution, included with the agenda materials, and update the Board on sign acquisition.

Ms. Hicks asked if there will be any consideration of bigger signage. Mr. Downsborough stated that is required by the State and if we put a date on there we could not reuse the signs.

Mr. Walsh suggested a third sign. Mr. Abrams suggested a slider to change the date.

Ms. Whitman stated that she is hoping a redesign of the website will help.

Mr. Mark suggested that this new approach is a big step forward.

9. ADMINISTRATION

a. Draft Resolution to Establish a Public Meeting Conduct Policy

Municipalities have a substantial public interest in orderly public meetings, all the while recognizing that the First Amendment and the Sunshine Act provide citizens, residents and taxpayers rights to freedom of speech, public comment and public participation. However, the First Amendment does not say that citizens can say anything they want whenever they want for any reason.

To serve the residents and taxpayers it is vital that the Board of Supervisors, the Planning Commission; and the other Authorities, Boards, and Commissions; have the opportunity and means to allow the municipality to conduct its business. Some municipalities in Pennsylvania have faced concerted efforts to disrupt public meetings and prevent the conduct of municipal business. Municipalities have the legal authority to remove disruptive persons from a public meeting under certain circumstances, but the Township also has a responsibility on their side as well to establish a clear policy of conduct for all to observe.

Best practices are to (1) have written rules of meeting conduct and policy, (2) to notify the participants of the rules (either by posting them, handing them out at each meeting or both), and (3) applying the rules consistently in all situations. A sample draft resolution is provided for discussion and consideration.

Mr. Downsborough provided an overview of the proposed policy.

Mr. Miller stated that he is against any restriction of the freedom of speech

9. ADMINISTRATION (Continued)

a. Draft Resolution to Establish a Public Meeting Conduct Policy (Continued)

Mr. Walsh stated that he feels that this is creating a solution for a problem that does not exist and finds it bothersome that this is for public speech.

Ms. Domenig stated that regulating first amendment rights is “kinda dicey.”

Ms. Dupuis stated that a resolution is a regulation and an ordinance is a law. She stated that it is more about the Sunshine Act than the First Amendment.

Mr. Downs brough offered to return with an updated proposal at the July Board Meeting.

b. CATA Budget Resolution

CATA has published their “Local Match Shares” document for the 2018/2019 operating year. A copy was included with the agenda materials.

The proposed shares for Patton Township are:

Operating Total Revenues	\$	TBA	
Local Operating Assistance	\$	606,902	TBD%
Patton Township’s share	\$	88,028	14.5%

Capital	Total Capital Funding Need	\$	TBA	
	Local Capital Match Need	\$	100,000	TBD%
	Patton Township’s share	\$	14,504	14.5%

The Draft 2018-2019 CATA Budget is expected to be available soon on their website; www.catabus.com under “About CATA.” The draft Resolution for making quarterly contributions to CATA is included in the agenda materials.

The Board should review the requested funding and identify any additional information needed prior to taking action on the Resolution in June.

Ms. Oliva gave a brief overview of the CATA Budget Resolution. Mr. Downs brough asked if there were there CATA service changes within Patton Township that drove the Patton municipal contribution increase to be higher than the average CATA municipal contribution increase. Ms. Oliva stated she would get details and email a response to the township.

Mr. Erickson stated that he will include this with the Consent Agenda in June.

10. 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 Works

1) Automated Red Light Enforcement (ARLE) Grant Resolution

The Township sponsored a grant application for the State College Area School District to replace the pedestrian signal on Valley Vista Drive at the middle school. The grant has

been approved and PennDOT requires the Township to adopt and submit the attached Resolution authorizing the specified Township Official to execute the grant reimbursement agreement and other project related documents.

It is recommended that the Board adopt the Resolution as requested by PennDOT.

10. CONSENT AGENDA (Continued)

a. Public Works (Continued)

2) Microsurfacing Contract for a portion of Vairo Boulevard

Ferguson Township solicited bids for this work for themselves, us and College and Harris Townships. One bid was received. The Director of Public Works recommends conditionally awarding the contract for the Patton Township work to Asphalt Paving Systems of Hammonton, New Jersey for a bid of \$15,959.80.

It is recommended that the Board award the Contract as recommended.

3) Sandy Ridge Road Overlay Contract

Sandy Ridge Road is one of the streets included in the Homestead Farms Neighborhood Improvement District (NID). The curbing on the street was replaced last year with the overlay scheduled for 2018. Three bids were received for the work and were opened on May 17th. The Director of Public Works recommends awarding the contract to Glenn O. Hawbaker, Inc., of State College for a bid of \$39,716.25.

It is recommended that the Board award the Contract as recommended.

b. Administration

1) Voucher Report April 2018

A copy of the Voucher Report is enclosed. Board members having questions should contact the Township office prior to the meeting so the necessary information can be obtained.

It is recommended that the Board approve the April 2018 Voucher Report.

Mr. Downs brough moved to approve the Consent Agenda. Seconded by Mr. Treviño, the motion passed 4-0.

11. MANAGER'S REPORT

The Manager will report on current matters, including the following:

a. Upcoming Events

- [1] [Local Government Advisory Committee to the Chesapeake Executive Council](#) (LGAC) Roundtable, May 30, 7 pm (enclosed)
- [2] [PML Sustainability Conference](#), June 5
- [3] Meeting Room Re-lamping, June 8 to 14
- [4] [PML Annual Summit](#), October 4 – 6, Cranberry Township

12. **COMMITTEE REPORTS**

a. **Finance**

Mr. Downsborough stated that Finance Committee discussed the 3.75% budget guideline and motion was denied so there will not be a budget guideline.

b. **Executive**

Mr. Abrams stated that Executive Committee discussed the budget guideline and that there were mixed feelings.

c. **Parks Capital**

Mr. Erickson stated that there was a long discussion about the Action Sports Park and the Ad Hoc committee from the Borough gave a presentation on it.

13. **OTHER BUSINESS**

There was no other business.

14. **ADJOURNMENT**

Mr. Treviño moved to adjourn the May 23, 2018 Board of Supervisors meeting at 7:52 PM. Seconded by Ms. Whitman, the Chair adjourned the meeting.

Douglas J. Erickson, Township Secretary