

ATTENDANCE:

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

STAFF Betsy Dupuis, Solicitor
Stephen Casson, Township Engineer
Doug Erickson, Township Manager
Greg Garthe, Planner
Paul Christner, Assistant Engineer

ABSENT Lawrence Pegher, Finance Director
Tyler Jolley, Chief of Police

AUDIENCE C-NET (3)
Jim Bennett, Resident
Ana Kavardjian, Patton Crossing
Anita Thies, Resident
Tony Fruchtl, Penn Terra Eng.
Brian Henry, Resident
Chris Kirkpatrick, Resident
Angela Hughes, Resident
Brenda Walsh, Resident
Rich Shore, Resident
Vincent, Benitez, Resident
Jeane Singer, Aaron Dr. Apts
Kevin Abbey, Clearwater Conservancy
Heidi Nicholas, Patton Crossing
Scott Miller, Resident
Gary Hartman, Resident
Ron Lucas, Esq., Stevens & Lee, Patton Crossing
Jim Payne, Resident
Kathleen Doming, Resident
Joan Kirkpatrick, Resident
Jim California, Resident
Eli Hughes, Resident
Melissa Hicks, Resident
Esther Benitez, Resident
Rick Maher, Resident
Karen Dabney, Resident
Bob Poole, Patton Crossing
Ara Kavardjian, Patton Crossing

1. **CALL TO ORDER**

The July 18, 2018 Board of Supervisors meeting was called to order by Chair Abrams at 7:00 PM.

Pledge of Allegiance

2. **APPROVAL OF MINUTES**

Mr. Trevino moved to approve the minutes of the June 20, 2018 meeting. Seconded by Mr. Downsborough, the motion passed 4-0-1 with Mr. Abrams abstaining.

3. **PUBLIC COMMENTS**

There were no public comments.

4. PUBLIC HEARINGS AND ACTION CONSIDERATION: PATTON CROSSING REZONING

From the May 9th Board of Supervisors Agenda:

The potential developers of tax parcels 18-012-021 and 18-012-020 first approached the Township in March 2017 with a request to change the zoning to permit a mixed use development. Over the course of the consideration of the request, this site has variously been referred to as:

The (former) Penn State Mobile Home Park (and adjacent properties), or
1752 North Atherton Street (and adjacent properties), or
Patton Crossing

From the July 11th Public Hearings Agenda

a. Adoption of Mixed Use 2 Overlay Zoning District (MXD2) Regulations

Building on the 2014 MXD regulations, adopted to apply to smaller (generally 3 acres or less) commercial parcels, the proposed MXD2 (Mixed Use 2) overlay was developed to potentially apply to larger commercial parcels that are, or would be, zoned C-2 (Planned Commercial). As currently proposed, the MXD2 overlay could only be placed on C-2 parcels that are 20 acres or larger.

As noted, the Planning Commission (PC) recommended adoption of the regulations in October 2017. Following review and revisions to the PC recommended version of the regulations by the PCAC (Patton Crossing Advisory Committee) and the Board of Supervisors, the current version (v7.0) of the proposed MXD2 overlay district regulations are the subject of this Public Hearing.

End of Board / Public Hearings Agenda Material

After the July 11th Public Hearing was closed, the Board approved Ordinance 2018 -590
“Mixed-Use Overlay District 2.”

Written comments from the public, received since July 10 and prior to Noon on July 13th, are included in the agenda materials. Comments received between Noon, July 13th and noon, July 17th will be included in an agenda update.

Past meeting agendas, meeting minutes and published notices are available for viewing or downloading at the Township website at <http://twp.patton.pa.us/patton-crossing>



BUILDING TYPE LEGEND:

	Grocery Store
	Commercial / Office
	1st Floor Commercial - Residential above
	Hotel
	Residential
	Clubhouse

CONCEPTUAL MASTER PLAN
PATTON CROSSING
State College, PA

THIS IS A PRELIMINARY CONCEPTUAL MASTER PLAN INTENDED FOR DISCUSSION PURPOSES ONLY. THE LANDSCAPE AND LANDSCAPE REPRESENTATION IS SUBJECT TO CHANGE. THE RIGHT TO MAKE ANY CHANGES TO THIS PLAN, INCLUDING BUT NOT LIMITED TO BUILDING AND FLOOR LOCATIONS, OFFERS, MERCHANDISE CATEGORIES, PROSPECTIVE TENANT NAMES, CONFIGURATIONS, ENTRANCES, PARKING, AND OVERALL SITE CONFIGURATIONS, THE PARTIES SHALL TAKE NO WAIVER OR REPRESENTATION CONCERNING ANY MATTER CONTAINED ON THIS PLAN. HANDWRITTEN OR IN ANY OTHER MANNER NOTED, NOR SHALL PROSPECTIVE TENANTS RELY ON THIS SAME.

4. PUBLIC HEARINGS AND ACTION CONSIDERATION: PATTON CROSSING REZONING
(Continued)

From the [July 11th](#) Public Hearings Agenda

b. Rezoning Tax Parcels 18-012-021 and 18-012-020 to C-2 (Planned Commercial) with the MXD2 (Mixed Use 2) overlay

The potential developers of tax parcels 18-012-021 and 18-012-020 first approached the Township in March 2017 with a request to change the zoning to permit a mixed use development. A location map for these parcels is included with the agenda materials.

As noted previously, in October 2017 the Planning Commission (PC) recommended adoption of MXD2 overlay district regulations and rezoning these parcels to C-2 (Planned Commercial) with the MXD2 (Mixed Use 2) overlay.

As required by the Pennsylvania [Municipalities Planning Code](#), this proposed amendment to the Township's zoning regulations has been provided to the Township Planning Commission, the Centre Regional Planning Commission (CRPC) and the Centre County Office of Planning and Community Development (County) for advisory comments. The CRPC comments are included with the agenda materials for the MXD2 hearing; any comments received from the County will be distributed prior to the hearing. The Patton Township PC had no comments.

(1) Public Hearing

The public hearing has been advertised for this meeting. The Board should convene the hearing and receive comments on the proposed rezoning of these parcels to C-2 (Planned Commercial) with the MXD2 (Mixed Use 2) overlay. The proposed Ordinance 2018 -591 **"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"** is included with the agenda materials.

End of Public Hearings Agenda Material

The Board of Supervisors opened the Public Hearing on July 11th and then took action to continue the Public Hearing to resume on July 18, 2018 at 7 pm at the Township Building.

The Board re-convened the Patton Crossing Rezoning Public Hearing at 7:03PM.

Mr. Kirkpatrick asked if the Overlay required with C-2 is mandatory. Mr. Erickson answered yes.

Ms. Hicks stated that she is disappointed that the Board is not listening to the residents about the density of the development. She stated that she wants to know of how many properties are eligible to be switched to C-2 and how many are owned by Mr. Poole. She stated that he said that he stated that he will not be clear cutting but wants proof that this would not happen.

4. PUBLIC HEARINGS AND ACTION CONSIDERATION: PATTON CROSSING REZONING (Continued)

b. Rezoning Tax Parcels 18-012-021 and 18-012-020 to C-2 (Planned Commercial) with the MXD2 (Mixed Use 2) overlay (Continued)

Mr. Abrams stated that this all will be discussed when the Master Plan is brought before the Board and Planning Commission.

Mr. Downsborough moved to close the Patton Crossing Rezoning Public Hearing at 7:13PM. Seconded by Ms. Whitman, the motion passed 5-0.

(2) Action Consideration

Mr. Downsborough moved to approved Ordinance 2018 -591 “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.” Seconded by Ms. Buckland, the motion passed 5-0.

Ms. Whitman stated that this is about saving the world not just the trees and also about building up and not out.

Mr. Downsborough stated that the Board has created a master plan process that will help address many questions.

Mr. Trevino stated that he is very happy to speak with anyone who wants to ask more details about his thought process in how he came to his decision.

Mr. Abrams stated that he finally got a phone call and had a discussion with that person about this.

c. Request to add Alternate Member to Planning Commission (PC)

The Citizens Advisory Committee submitted comments to the Board on July 16, requesting the Board consider adding an Alternate to the PC as the Patton Crossing project moves forward (assuming the Board voted in that manner above). Their comments are included in the attachment Item 4a.3.

The Pennsylvania [Municipalities Planning Code](#) (MPC) provides regulations governing PC membership and conduct of business – these are included as attachment Item 4c. (See also Item 8c in this agenda)

The Manager provides the following advice to the Board on this matter:

- Any proposed changes to the number of members on the PC or the addition of alternates will require amending [Chapter 34](#), Planning Commission, of the [Code of Patton Township](#) by Ordinance.
- The Board should adhere to current practices in making appointments to ABC’s (i.e application process, review by ABC Committee, and action by full Board)
- The MPC does not permit or recognize ad-hoc appointments that are issue specific.

The Board deferred discussion on this matter to Item 8c on the agenda.

6. PUBLIC WORKS

a. Scotia Road / Circleville Road Update

To ensure the Township is currently compliant with the MUTCD signage for the intersection, the PW Department will be adding 'speed advisory' plates to the 'intersection ahead signs'. These plates "advise" motorists on Scotia Road to slow down when approaching the intersection.

Next steps for projects PW 37 /38 would be to develop a scope of work and a "Request for Proposals" (RFP) for the 2018 programmed study. This study would look at these items:

- Identify right of way needs for each option,
- Identify potential utility impacts for each option
- Refine costs estimates for each option
- And conduct neighborhood outreach

Besides the above options, PW is interested in hearing of other ideas and/or potential options from the Board or the public that could address the sight distance issue.

The Public Works Director and Manager are available to respond to questions. The PW Department will begin preparing the RFP and provide a brief project update in August.

No Board action is required on this item. The agenda materials included:

- Photos of Intersection (to be provided with Agenda Update)
- 2017 memo from the PW Director
- Capital Improvement Plan project sheets for PW 37 and PW 38

b. ARLE Grant Memo Of Understanding (MOU) with State College Area School District (SCASD)

In 2017 the Township, on behalf of SCASD, submitted a grant application to the Pennsylvania Department of Transportation (PennDOT) for funding under the Automated Red Light Enforcement (ARLE) program to replace the flashing pedestrian signal on Valley Vista Drive between the Middle School and Little Lion Drive. The Township has been notified that the grant will be awarded to the township under the terms of a reimbursement Agreement. The Agreement obligates the Township to specific performance to complete the project and receive the funding. In this case the vast majority of the elements of the Agreement will be completed by SCASD and/or their consultant.

The Manager has prepared an MOU between the Township and SCASD to acknowledge each parties responsibilities for the project. SCASD will carry out the permitting, design and construction activities and the Township shall cooperate as needed and serve as a conduit for communications and funding.

6. PUBLIC WORKS (Continued)

b. ARLE Grant Memo Of Understanding (MOU) with State College Area School District (SCASD)

The agenda materials include:

- The Reimbursement Agreement with PennDOT
- The draft proposed MOU with SCASD

The Board is asked to review the MOU, provide direction to the Manager on revisions if needed, and consider action to approve, conditioned on review and approval by SCASD, the MOU.

Mr. Downsborough moved to approve the MOU as recommended by the Solicitor. Seconded by Mr. Trevino, the motion passed 5-0.

c. Funding for Curb Replacements on Local Streets

In the course of preparing to solicit bids for the 2018 street overlay program, the Public Works Department (PW) has had to defer upgrades on two streets due to lack of funding. Both of these projects, on portions of North Oak Lane and Highland Drive involve the extensive replacement of concrete curb and gutter. Prior to this time, extensive curb replacement has not been required as part of our street overlay program.

PW manages the annual street overlay program through the Road Resurfacing and Reconstruction Designated Reserve Fund. The details for this Fund are found in the Line Item Detail to the 2018 Budget – the relevant pages are included with the agenda materials. The amount allocated to this fund each year is based on the township's road mileage from 15 years ago and an inflation-indexed per mile allocation value. Typically about 70% of the expenditures are made with State Funds and about 30% from our General (local) Fund.

State funding for road maintenance comes from Liquid Fuels Tax (LFT) receipts and funds the majority of this annual program; however the State (PennDOT) does not permit the use of these funds for curb and gutter replacement. The only remaining source of funding then is the Township's General Fund (GF).

The PW Department has reviewed the street maintenance needs for the next 5 years and found that approximately \$1,000,000 would be needed for replacing concrete curb and gutter. This amount is in excess of the "normal" overlay needs that currently require about \$250,000 per year. A spreadsheet detailing the curb replacement needs is included with the agenda materials.

No immediate action is required of the Board. The issue was first raised in April with the Spring Road Survey, but without a good knowledge of the long-term magnitude/price of the issue. Given the potential \$1,000,000 price tag, the PW Department seeks to make sure the Board understands the issue and options available.

6. PUBLIC WORKS (Continued)

c. Funding for Curb Replacements on Local Streets

The agenda materials include:

- Spreadsheet on Curbing Replacement Costs
- Photos

This situation raises a cascading set of choices for the Township:

First Tier Choices:

- 0) "Do Nothing" - patch/repair the very worst sections of curbing and defer major curb replacement for 15+ years.
- 1) Begin curb replacements but do not allocate any additional money; that is - increase GF monies for curbing and reduce LFT monies for asphalt paving. Effectively defers most future street overlay work by 4 to 5 years from present schedule.
- 2) Allocate additional GF monies to the Road Resurfacing Fund to address curb replacement needs.

Second Tier Choices – if 1) or 2) is chosen above (see spreadsheet):

- A) Restore curbing to original condition/style. Most expensive upfront, provides longest useful service life and least expensive to maintain.
- B) Use a less expensive curb style – saves approximately 25% up front, shorter useful service life and modestly more expensive to maintain. May create an "eyesore" when weeds sprout along joint between curbing and street pavement.

Third Tier Choices – If 2A) or 2B) is chosen above, a source of additional funding must be identified; this question is best addressed through the Capital Improvement Plan (CIP) process. Potential options include:

- i) Pay-as-you-go (allocate monies from GF yearly)
- ii) Defer a portion of the work and pay-as-you-go
- iii) Borrow needed funds and incur debt-service

The PW Director and Assistant Director are available to respond to questions from the Board and audience. The Department also welcomes new ideas or potential options that could be explored.

Based on Board discussion and audience comments, the PW Department will refine the list of options and information, and bring the issue back to the Board at the next meeting.

6. PUBLIC WORKS (Continued)

d. Update to Open Space Regulations for New Acquisitions

From the [May 23rd Board of Supervisors Agenda](#):

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 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. ([These agenda materials were included with the May 23rd Agenda](#)):

- 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

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."

End of Board of Supervisors Agenda materials:

The Halfmoon Township Supervisors reviewed the proposed regulations at their June 14th meeting and had no comments.

6. **PUBLIC WORKS (Continued)**

d. **Update to Open Space Regulations for New Acquisitions**

Proposed Ordinance 2018-593 (included with the agenda materials) has been advertised for potential action at this meeting. The Board should accept comments from the audience on the proposed ordinance.

Mr. Trevino moved to adopt Ordinance 2018-593 to Update the Open Space Regulations for New Acquisitions. Seconded by Ms. Buckland, the motion passed 5-0.

7. **PLANNING AND ZONING**

a. **Planning Commission Report**

Mr. Schmidt stated that the Planning Commission discussed and approved the Helix Temporary Sales Office.

The Planning Commission (PC) meeting was rescheduled to Tuesday, July 17th. A copy of the PC agenda was included with the agenda materials.

A report of PC recommendations will be provide to the Board prior to the meeting. The agenda for the PC meeting includes:

1) **Land Development Plan: Helix Temporary Sales Office**

From the [July 17th Planning Commission Agenda](#):

This plan was submitted on June 1, 2018 and proposes to install a temporary leasing trailer for the new *Helix* multi-family development. *Helix* received conditional land development plan approval on August 16, 2017, and is currently under construction. The temporary trailer would be placed in the parking lot of *The View* apartment complex, located at 850 Toftrees Avenue. The applicant has indicated that the trailer will be onsite until occupancy of the new *Helix* building is granted, which is anticipated by August 2019. *The View* and *Helix* utilize a shared driveway for access, which potential lessees for *Helix* would be able to access the leasing trailer. Five of the existing onsite parking spaces will be temporarily restricted for use by potential lessees when the trailer is in place. The Township provided a comment letter to the applicant on June 22, 2018.

The following items were included with the agenda:

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

7. PLANNING AND ZONING (Continued)

a. Planning Commission Report (Continued)

1) Land Development Plan: Helix Temporary Sales Office (Continued)

From the [July 17th Planning Commission Agenda](#):

Recommendation

Staff finds that the plan meets all Township regulations with the following conditions:

1. Completion of all items noted on staff's marked up comment letter.

The Planning Commission should review the plan and provide a recommendation to the Board of Supervisors for consideration at their next meeting.

End of the Planning Commission Agenda materials

Mr. Downsborough moved to conditionally approve the Land Development Plan: Helix Temporary Sales Office. Seconded by Ms. Buckland, the motion passed 5-0.

b. Permitting Process for Temporary Land Use Requests

At the July 11th meeting a resident inquired about the permitting process for a Temporary Land Use permit issued to Walmart.

In 2013 the Board adopted Ordinance 2013-549 establishing the review and approval process for Temporary Land Use applications. These regulations are found in [Section 153-34.8](#) of the [Code of Patton Township](#) and are included with the agenda materials.

The permit in question (#16124 – included with agenda materials) was issued by the Zoning Officer in accordance with subsection F of the regulations:

F. Approvals. The Board of Supervisors shall have the authority to approve an initial application for a temporary use. The Township Zoning Officer or Assistant Zoning Officer shall have authority to approve any subsequent application for renewal of a previously approved application in accordance with the following:

- (1) The application for renewal shall be consistent with the initial application and approved temporary use. Any application that includes a significant change from the initial application shall be submitted to the Board of Supervisors for their approval. A significant change may include but may not be limited to: the addition of structures, parking spaces, lighting, changes in the hours of operation and ingress/egress.

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

b. **Permitting Process for Temporary Land Use Requests (Continued)**

The “initial application for a temporary use” for the Walmart property was approved by the Board on [June 21, 2017](#). The minutes regarding that item are included here:

c. **Wal-Mart Store #1640 - 1665 North Atherton Place - Temporary Use Permit Proposal for Storage Containers from July 1st to September 30, 2017**

Mr. Erickson stated that this request requires Board action because it includes an expansion, both in the number of containers and the locations of the containers, from the prior approved temporary use permit.

From the June 5th Planning Commission Agenda:

Wal-Mart has applied for a temporary use permit for storage containers during their “Back to College” event beginning in July. The store has held temporary use permits for storage containers a number of times in the past, with the most recent permitting temporary use of 20 containers from March 11, 2016 to September 30, 2016 (Permit # 7119). This request is being presented to the Planning Commission because Wal-Mart has requested that the permit include an additional 5 containers, resulting in 25 total containers from July 1, 2017 to September 30, 2017. As has been permitted in the past, outside work could occur at the containers from 7AM to dark only in order to minimize disturbances to neighboring residential properties. The location of the containers would be on the left side of the building, behind the lawn and garden area, and on the right side of the building near the grocery docks.

The following items were included with the agenda:

1. Wal-Mart request for temporary use permit and photos and map of proposed storage container locations

End of the June 5th Agenda materials

The Planning Commission recommends approval of the Temporary Use Permit.

Mr. Downsborough suggested checking for activity after dusk.

Mr. Downsborough moved to approve the Temporary Use Permit Proposal for

Mr. Miller stated he does not agree with someone on staff having the approval to green light temporary use permits.

Mr. Downsborough suggested having Chief Jolley at the meeting to discuss this issue.

7. PLANNING AND ZONING (Continued)

b. Permitting Process for Temporary Land Use Requests (Continued)

Following Board discussion, the Manager was directed to relay the following instructions to Wal-Mart:

- Wal-Mart is to be notified that the temp. use containers shall be promptly removed following the end of the permit on September 30, 2018 (Zoning Officer to notify Wal-mart management of this)
- Zoning Officer to also remind Wal-mart Management of the 7am to 7pm time limit on hours of use for temp use containers.
- Zoning Officer to also remind Wal-mart Management that current permit may be revoked for violations of limit on hours of use.
- Police Department will periodically monitor the Wal-mart site for compliance with 7am to 7pm time limit on hours of use for temp use containers. Police Department checks on the site shall be logged.
- Zoning Officer to notify Wal-mart Management that any request for changes to current permit conditions must be made to the Board of Supervisors.
- Any request from Walmart for temp use of storage containers will need to go through the PC and Board for approval in 2019.

8. ADMINISTRATION

a. Financial Trends Monitoring

This item has been postponed until the next Board of Supervisors Meeting.

b. Council of Governments (COG) 2019 Program Plan and Capital Improvement Plan (CIP)

The General Forum is expected to refer the 2019 Centre Region COG Program Plan and CIP to the municipalities for review and comment. The full plan (233 pages/ 14.2 MB) can be viewed or downloaded from the COG website by clicking [here](#). The 2019 Capital Improvement Plan is included with the agenda materials

The COG Executive Director is expected to provide a matrix with the questions posed in his introductory section. The Plans will be reviewed again at our August meeting. This meeting represents an opportunity to identify additional information we may need to provide comments back to COG and discuss individual comments with the other Board members. Preliminary comments from Board members and Staff will be included with the July 17th Agenda Update.

Comments will be forwarded to the Executive Director and the COG Finance Committee following Patton Township's Board meeting on August 16.

8. ADMINISTRATION (Continued)

c. Sign Review Board Disposition

The Township Manager wishes to inform the Board that a request last month to consider changes to the Township's sign regulations indirectly raises a couple of issues:

- There is no formally designated advisory committee tasked with reviewing proposed changes to Sign Regulations (the Board did refer the proposed change to the Planning Commission for review), and
- Although the Township has a committee titled "Sign Review Board (SRB)" its authorized scope or jurisdiction is so limited that the group has not meet in more than 10 years, and the Board has not heard an appeal for a special exception since 2000 or 2001. The composition and function of the SRB are detailed in Section 140-24 of the [Code of Patton Township](#) and included in the agenda materials.

The Manager notes that there are currently two members appointed to the SRB. These gentlemen have been invited to participate in the Planning Commission discussions on the proposed modifications to the sign regulations for corporate flags.

The Manager offers the following proposals to address the above issues:

- The Board should consider an Ordinance to:
 - Amend Chapter 140 to designate the Planning Commission as advisory board for reviewing proposed amendments to Chapter 140, and
 - Designate the Planning Commission to act in role of the Sign Review Board under Section 140-24.
- The Board should also consider an Ordinance to revise [Chapter 34](#), Planning Commission of the [Code of Patton Township](#) to authorize the appointment of up to 3 alternates to the Planning Commission as permitted by Section 203(e) of the [Municipalities Planning Code](#),

Section 203. Appointment, Term and Vacancy.

(e) The governing body may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the planning commission. The term of office of an alternate member shall be four years. When seated pursuant to the provisions of section 207, an alternate shall be entitled to participate in all proceedings and discussions of the commission to the same and full extent as provided by law for commission members, including, specifically, the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall not serve as a member of the zoning hearing board or as a zoning officer. Any alternate may participate in any proceeding or discussion of the commission but shall not be entitled to vote as a member of the commission nor be reimbursed pursuant to section 202 unless designated as a voting alternate member pursuant to section 207.

8. ADMINISTRATION (Continued)

c. Sign Review Board Disposition

The Manager offers the following proposals to address these issues (continued):

- The Board should consider a Resolution to appoint the two remaining SRB members as alternates to the PC (term limits for the two will require some discussion.) Alternate members are authorized to participate by the PC Chair in accordance with Section 207(b) of the [Municipalities Planning Code](#),

Section 207. Conduct of Business.

(b) The chairman of the planning commission may designate alternate members of the commission to substitute for any absent member or member who has recused himself or has been disqualified by the governing body, and, if, by reason of absence, recusal or disqualification of a member, a quorum is not reached, the chairman of the commission shall designate as many alternate members of the commission to sit on the commission as may be needed to reach a quorum. Any alternate member of the commission shall continue to serve on the commission in all proceedings involving the matter or case for which the alternate was initially appointed until the commission has made a final decision on the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

The Board should review the Manager's proposals, and after discussion and audience comments, provide direction to the Manager on next steps.

Mr. Downs brough stated that we need to go through the normal ABC nomination process and he would like to get the Planning Commission Chair's views on this.

Mr. Trevino stated he would like to see what the Planning Commission thoughts are.

Mr. Erickson stated that he will look into quorums.

Mr. Abrams suggested having a work session with the Planning Commission.

The Board decided to attend the Planning Commission Work Session on August 13, 2018.

Ms. Theis stated that one of the issues going forward with Patton Crossing is how does the Township receive citizen input.

Mr. Garthe stated that he would encourage citizens to attend Planning Commission meetings to see how the proposals are reviewed.

Ms. Dupuis stated that it does not matter where members lives geographically just that they will represent the whole township.

8. ADMINISTRATION (Continued)

d. Draft Resolution to Establish a Public Meeting Conduct Policy

From the [May 23rd](#) Board Agenda:

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.

End of Board Meeting Agenda materials

Included with the agenda materials, Supervisor Downsborough has provided the next draft of the proposed Resolution and a spreadsheet used to capture the input provided at the last two discussions.

The Board should review the proposed Resolution, and after discussion and audience comments, provide direction to the Mr. Downsborough on next steps.

Mr. Miller stated that democracy is an ugly thing but would like everyone to have the chance to speak at these meetings.

Ms. Dabney asked if the 5 minute limit is for developers as well. Mr. Abrams stated that a presentation of a plan would not be limited but responses would be 5 minutes or less and that if someone asked before meeting about taking longer that it would be ok.

Mr. Trevino moved to approve the Public Meeting Conduct Policy. Seconded by Ms. Buckland, the motion passed 5-0.

8. ADMINISTRATION (Continued)

e. Noise Discussion

From the [April 11th Board of Supervisors agenda](#):

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.

From the [April 25th Board of Supervisors agenda](#) and [Update](#):

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.

Chief Jolley has compiled a report on the “Enforceability of subjective noise standards” and related topics. This is provided for the Board’s information only at this time -- the subject will be included in a future Board agenda.

From the [June 20th Board of Supervisors agenda](#)

The Agenda materials (with the [June 20 Agenda](#)) include:

- Resolution 2018-007 – Hours of Construction Policy (7am to 7pm)
- Chief Jolley’s April 19th research information with copies of regulations from Ferguson Township and State College Borough
- First draft (v1.0) of Ordinance based on Ferguson Township model

End of Board Meeting Agenda materials

Following Board discussion and comments from the audience in June, the Manager reported he would work with the Chief on an update to the proposed noise control ordinance.

Included with the agenda materials is the latest draft (v3.3) noise control ordinance. It includes items raised in previous Board discussions and ‘borrows’ elements from regulations in Ferguson Township, State College Borough and Harford Township (Susquehanna County).

8. ADMINISTRATION (Continued)

e. Noise Discussion (Continued)

The draft ordinance includes the following:

- Applies uniformly across the Township, unless specific activities are exempted
- Exemptions include (but not limited to)
 - Aircraft, sirens, alarms, emergency responders, snow removal,
 - Agricultural activities where permitted as a use by right or 'grandfathered'
 - Construction, property maintenance and firing ranges during specific hours
 - Fireworks – (review needed) during specific hours
- Violations are based on the concept of "unreasonable noise:"
 - Definition: Sound that is of a volume, frequency, or pattern that prevents, disrupts, injures, or endangers the health, safety, welfare, comfort or repose of reasonable persons of ordinary sensitivities within Patton Township, given the time of day, location, and/or other relevant factors in which and where the sound is made.
- For violations related to music, provides guidance based on distances such as: "plainly audible beyond the property line of a single-family dwelling"
 - Other noises deemed unreasonable if: "so as to disturb the peace, comfort, or repose of others within the Township by being plainly audible to persons within any dwelling, hotel, hospital, office or . . ."
- Construction permitted from 7am to 7pm except Sunday, then 8am to 7 pm
 - Includes procedures for "Exceptions, Waivers and Modifications," Emergencies, and further "Exemptions."
- Waiver request procedure included for non-construction activities
- Fines are proposed at "not less than \$100.00 for the first offense, and not less than \$500 for any subsequent offenses in any 120-day period . . ."

Following Board discussion and comments from the audience, the Board should provide direction to the Manager on next steps for this issue.

Ms. Buckland suggested 11:45PM to 12:15AM for New Years.

Mr. Trevino moved to advertise the Noise Ordinance for the August 15, 2018 Board of Supervisors Meeting. Seconded by Ms. Whitman, the motion passed 5-0.

Mr. Miller stated that the decibel meters do not work and thinks about having a time stipulation would help especially in public spaces.

8. ADMINISTRATION (Continued)

f. ABC Report – Library Board Vacancy / SCBWA Liaison position

One of our two Library Board representatives has notified the Township she will be leaving the area this fall. Kathleen Shannon has served since 2016.

In a recent conversation with the Interim Executive Director of the State College Borough Water Authority (SBCWA), he noted they would like Patton Township to fill a Liaison (non-voting) position on their Board of Directors.

Resident interested in applying for these volunteer positions can find an application on the [website](#), by [emailing the Township](#), or by clicking [here](#).

The ABC Committee will meet prior to the next Board meeting and review candidates for the positions.

No Board action is needed at this time.

9. 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) Bid Award - Tax/Public Works Office Renovations

Bids were opened on July 10th for this project to convert tax office space to offices for the Public Works Department. Per Pennsylvania governmental procurement law for building construction, bids were received for:

General Construction Only
Electrical
Plumbing
HVAC/ Mechanical
Combined bid for all 4 above areas

9. CONSENT AGENDA (Continued)

a. Public Works

1) Bid Award - Tax/Public Works Office Renovations

Fernsler Architects has reviewed the bids and notes the apparent low bona fide bidders are as follows:

General - Stickler Construction	\$67,400
Mechanical – PBCI-Allen	\$16,720
Plumbing - PBCI-Allen	\$13,596
Electrical - PBCI -Allen	<u>\$16,650</u>
	Total \$114,366

It is recommended that the Board award the Contracts to the low bidders above, at the stated contract amounts.

2) Contract Award - Signal Equipment Replacement at Vairo Boulevard/N. Atherton Place

The PW Department solicited quotes from three contractors for the replacement of the signal control equipment and cabinet at the intersection of Vairo Boulevard and the North Atherton Place/TJ Maxx Plazas (adjacent to the former Eat N Park restaurant.)

A single quotes was received on Monday July 16th from Tel-Power, Inc. of Hollidaysburg, PA, in the amount of \$26,128.00(Copy available upon request). Public Works had expected the price to be under the bid threshold of \$20,100.

Two options are now available:

- A. Direct staff to put the project out for bids, with potential award on August 15th.
- B. Award the project to Tel-Power under Section 3102(h)(1) of the Second Class Township Code as a “contract ... for routine replacements for public works of the Township if they do not constitute new additions, extensions or enlargements of existing facilities and equipment.”

Mr. Downs brough moved to Award the project to Tel-Power under Section 3102(h)(1) of the Second Class Township Code as a “contract ... for routine replacements for public works of the Township if they do not constitute new additions, extensions or enlargements of existing facilities and equipment.” Seconded by Mr. Trevino, the motion passed 5-0.

9. CONSENT AGENDA (Continued)

b. Administration

1) June Voucher Report

A copy of the June 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. Trevino moved to approve the Consent Agenda. Seconded by Mr. Downsborough, the motion passed 5-0.

10. MANAGER'S REPORT

Mr. Erickson reported on current matters, including the following:

- a. Valley Vista construction commencing July 23rd (notice enclosed)
- b. Street Overlay construction commencing (notice enclosed)
- c. Housing Starts Q2 (enclosed)
- d. "DAS Providers Granted PUC Status" (enclosed PSATS notice)
- b. Upcoming Events
 - [1] September 3, Labor Day, Office closed
 - [2] Children's Safety Fair, September 8th, Target parking lot
 - [3] WPP Electrical Safety Trailer Demonstration, September 27th, Patton Township Fire Station parking lot (rain date is Oct 4)
 - [4] PSATS Regional Fall Forum, October 2-3, Ramada Inn
 - [5] [PML Annual Summit](#), October 4 – 6, Cranberry Township
 - [6] Election Day, November 6th

11. COMMITTEE REPORTS

1. Transportation and Land Use

Ms. Whitman stated that TLU discussed the Comprehensive Approach to Affordable Housing in the Centre Region

2. Public Safety

Mr. Trevino stated that they discussed funding for the Act 235 Training for Tactical Paramedics and that they were approached by COG asking for \$10,000 in which it will be brought before the Finance Committee.

12. OTHER BUSINESS

There was no other business.

13. ADJOURNMENT

Mr. Trevino moved to adjourn the July 18, 2018 Board of Supervisors meeting at 10:00PM. Seconded by _____, the Chair adjourned the meeting.