

ATTENDANCE:

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

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

AUDIENCE C-NET (2) Bryce Boyer, Resident
Kathleen Domenig, Resident Brian Henry, Resident
Dan Hawbaker, GOH Jim Steff, COG
Bob Poole, S&A Homes Alicia Cornali, S&A Homes
Michael Pratt, Keller Engineers Joe Viglione, COG

1. **CALL TO ORDER**

The November 7, 2018 Board of Supervisors meeting was called to order by Chair Abrams at 7:00 PM and led the Pledge of Allegiance.

2. **APPROVAL OF MINUTES**

Mr. Trevino moved to approve the October 24, 2018 meeting minutes. Seconded by Ms. Whitman, the motion passed 4-0-1 with Mr. Abrams abstaining.

3. **PUBLIC COMMENTS**

There were no public comments.

4. **PUBLIC SAFETY**

a. **Police Update**

Chief Jolley gave a brief overview of the October 2018 Public Safety Report that was distributed at the meeting.

Ms. Whitman asked about the Citizens Police Academy. Chief Jolley stated that it gives residents an inside look into the law enforcement and emergency services.

5. **PUBLIC WORKS**

a. **Application for Centre County Liquid Fuels Tax Grant Application for Julian Pike Guide Rail Replacement**

The existing guide rail along Julian Pike has been damaged in several places over the years and should be replaced and extended. The Public Works Director requests approval to submit a grant application in the amount of \$24,840 to the Centre County Commissioners for this project.

Ms. Whitman moved to approve submitting an Application for Centre County Liquid Fuels Tax Grant Application for Julian Pike Guide Rail Replacement in the amount of \$24,840. Seconded by Dr. Buckland, the motion passed 5-0.

6. **PLANNING AND ZONING**

The November Planning Commission meeting was cancelled due to a lack of agenda items.

a. **Gray's Woods Master Plan Amendment #5**

This item was initially discussed by the Board at their [October 10th meeting](#). (An excerpt of that agenda is included with the agenda materials for background information.) At that time the Board discussed a) restoring the Town Centre non-residential building to its 2010 size, and b) how to incorporate affordable housing into the development.

For the Town Centre, the developers have agreed to include a two-story building with 16,500 square feet of floor area in Phase 6. The building could accommodate retail or office uses.

For affordable housing, the developers and the Township Manager presented a proposal at the [October 24th meeting](#) that included 40 workforce housing units and incentives that increased the overall housing density in Gray's Woods and utilized a portion of the Gray's Woods Preserve property. The Board rejected that proposal in whole.

For affordable housing, the developers and the Township Manager now offer the following proposal:

The following would be included as a plan note on **Gray's Woods Master Plan Amendment #5**.

- a. 10 units of affordable or workforce housing would be constructed by the developers as part of Phase 4 of the Gray's Woods Master Plan in the multi-family neighborhoods on Ironwood Drive in the northwest portion of the community.
- b. The 10 units would be affordable as "workforce housing" for buyers/renters with incomes in the 80% to 120% range of the Area Median Income.
- c. The 10 units will include a mix of 1, 2 and 3 bedroom units.
- d. The Township will make the following changes, by ordinance, to the Gray's Woods Planned Community zoning regulations:
 - i. The required parking for the affordable units would be 1.5 spaces per unit.
 - ii. The affordable units would not be included in the overall density calculations or unit mix calculations for GW MP
 - iii. Increase the maximum height for high density multi-family buildings from 60 feet to 75 feet.

Following a) the Township's actions to make the above changes, by ordinance, to the Gray's Woods Planned Community zoning regulations; the developer will b) incorporate the affordable housing units into the Master Plan through a minor master plan amendment that shall be submitted concurrently with the next application for subdivision or LDP approval following a). Failure of the developer to undertake b) shall be sufficient grounds for Township denial of any or all subsequent applications for subdivision or LDP approval.

(End of proposed Master Plan note)

6. **PLANNING AND ZONING**

The November Planning Commission meeting was cancelled due to a lack of agenda items.

a. **Gray's Woods Master Plan Amendment #5**

Additionally, the Manager suggests that the Board ask the Planning Commission to take up the matter of affordable housing and review options for addressing the issue on a Township-wide basis. This process would include:

- reviewing/defining the need for affordable housing;
- collecting information and reviewing programs in other communities;
- consulting with key personnel and stakeholders in the affordable housing arena;
- working with developers and builders to understand the impacts and/or constraints that come with affordable housing programs; and
- analyzing how various programs would work in Patton and predicting outcomes.

At the [October 24th meeting](#) the developers also requested that the Master Plan be amended to extend the three waivers attached to Phase 6A to the entirety of Phase 6. The Board indicated they did not have an objection, and the Township's Planner has proposed adding the following note to the Master Plan:

Waivers:

On _____, 2018, the Patton Township Board of Supervisors granted the following waivers for all residential development within Phase 6 of the Gray's Woods Planned Community:

1. Driveway setback from intersections (§149E Figure 3 Streets & Sidewalks Driveway Setback Detail): Waiver of the required driveway setback distance of 50' from intersections in order to allow positioning of townhouse driveways closer to street intersections provided that safe sight triangles at each public street intersection are not encroached upon.

2. Off-street parking stall widths (§153-38 Off-Street Parking Regulations): Waiver of the required minimum width for off-street parking spaces from 9' to 8'.

3. Street Trees (§153-36F): Waiver of the required 30' spacing interval for street trees if two trees per each residential unit are provided.

The Board should review, discuss and request any other needed clarification regarding the Master Plan or these new items.

The Board should take comments and questions from the audience.

The following items were included with the agenda:

1. Excerpt from the October 10th Board Agenda (All 3 GW items)
2. A location map of the property with:
 - a. An 11"x17" copy of the master plan (Updated drawings are expected prior to the meeting)
 - b. A marked up copy of staff's comment letter
 - c. Graphic showing proposed reconfiguration of the town center area
 - d. CRPC and CATA comments

6. PLANNING AND ZONING (Continued)

a. Gray's Woods Master Plan Amendment #5 (Continued)

The Planning Commission recommended conditional approval with:
1. Completion of all items noted on staff's marked up comment letter.

The Patton Code requires that the Board hold a Public Hearing prior to taking action on a major amendment to a Master Plan. The first opportunity to hold a Hearing would be Wednesday, December 12, 2018.

With the agreement of the developer and the Board to add the above notes to the Master Plan, the Board could take the following actions:

- Schedule a Public Hearing and Action Consideration on the Master Plan Amendment #5 for December 12, 2018
- Following the Public Hearing, the Board can consider action on the plan at the December 12, 2018 meeting
- Following Board action to approve the Master Plan Amendment, the Board can consider action on the Subdivision and Land Development Plans for Phase 6A at the December 12, 2018 meeting

Ms. Whitman stated that there has been discussion about the Planned Community at COG committees due to the fact that this property is in both Patton Township and Halfmoon Township. She suggested that both Boards get together to have a discussion about town centers in the future.

Mr. Poole stated that not going to develop in Halfmoon right away.

Mr. Trevino asked about the new proposal with 10 units of affordable housing when last month there were 40 units of affordable housing. Mr. Poole answered that there was additional land proposed for development in last month's proposal.

Mr. Downs brough moved to schedule a Public Hearing and Action Consideration on the Master Plan Amendment #5 for December 12, 2018. Seconded by Dr. Buckland, the motion passed 5-0.

b. Final Subdivision Plan and Land Development Plan - Gray's Woods Planned Community Phase 6 Section A

These items was initially discussed by the Board at their [October 10th meeting](#) and [October 24th meetings](#). Please see those meeting agendas for plans, review information and recommendations.

The Board cannot take action on these plans until a Public Hearing is held on the Master Plan Amendment #5.

The Board may take comments from the audience and then discuss these items if desired.

There was no discussion.

6. PLANNING AND ZONING (Continued)

c. Ordinance Allowing Flags as Signs

This item was initially discussed by the Board at their [October 10th meeting](#). (An excerpt of that agenda is included with the agenda materials for background information.) Following review and discussion of the draft ordinance, the Board requested additional information on two items:

- 1) How do other Centre Region municipalities regulate flags as signs?
- 2) Is it appropriate to have a size limit on how large the “flag as a sign” may be?

The Township Planner, in a memo included with the agenda materials, reviewed how other Centre Region municipalities regulate flags as signs and concludes:

“ . . . the proposed Patton Township ordinance amending Chapter 140 would establish provisions to regulate flags as signage in a manner that is generally consistent with the practices used throughout the Centre Region.”

In response to the question about size limits:

“All municipalities, except Ferguson Township, include flags . . . as part of the overall limit on the size (area) of signage allowed on a property. Ferguson Township specifically limits the size of flags . . . to 24 ft² in residential districts and 35 ft² in all other districts.”

The draft ordinance has also been amended to clarify that the permitted height of a flag pole is:

25 feet or a height equal to the roofline of the tallest building(s) to which it is associated, whichever is higher.

At the [October 24th meeting](#) the Board requested a change to the draft ordinance to limit the number of “flags as signs” to one per parcel in locations where multiple business or premises occupy a single parcel and to limit the maximum size of a flag to 50 square feet. An amended draft of the ordinance has been prepared to address these matters.

The following items are included with the agenda Update:

1. Draft Ordinance: *Allowing Flags as Signs v1.3*

The Planning Commission recommends approval of the Draft Ordinance (v1.1).

Following an introduction from the Planner, the Board should review the Draft Ordinance, the new information and accept comments from the audience.

If the Board desires to advance the matter, the Manager should be directed to advertise the Ordinance for consideration at a future meeting. The matter could be considered at the November 20th or December 12th meetings.

Dr. Buckland moved to advertise the Ordinance Allowing Flags as signs for the November 20, 2018 meeting. Seconded by Mr. Downsborough, the motion passed 5-0.

7. ADMINISTRATION

a. Liquor License Transfer Request: Sheetz 1781 North Atherton Street

Sheetz, Inc., has notified the Township of their intent to purchase a state restaurant liquor license from a Ferguson Township business and transfer it to their store at 1781 North Atherton Street. This transfer has been requested under the provisions of the Pennsylvania Liquor Code, which provide for intermunicipal transfers of liquor licenses.

The law requires that the Board of Supervisors advertise and hold a public hearing on the request for the transfer within 45 days of the application [dated October 26, 2018]. The Board may also notify the applicant that the Township is electing to extend the review period for a period of time not to exceed sixty days. If no action is taken by the end of the review period, there "shall be deemed an approval of the application in terms as presented . . ."

The applicant must receive approval from the Township to apply to the PA Liquor Control Board for approval of the transfer. Furthermore the Liquor Code states "A decision by the governing body of the municipality to deny the request may not be appealed." The Liquor Code provides no guidance or criteria for determining if an application is to be approved or denied by the local governing body. A copy of the relevant section of the Liquor Code [47 P.S. 461(B.3)] is included with the agenda materials.

The Manager proposes that the hearing be scheduled for the December 12, 2018 meeting, and that the applicant be notified that the Board is electing to extend the review period for a period of time not to exceed sixty days.

The agenda materials include:

- The request for approval of the transfer from Sheetz, Inc.
- A copy of the relevant section of the Liquor Code [47 P.S. 461(B.3)]
- Patton Township Resolution from last transfer in 2017

By consensus the Board directed the Manager to schedule the Liquor License Transfer Request: Sheetz 1781 North Atherton Street Public Hearing on December 12, 2018.

b. Council of Governments Budget Review

The following motion was approved by the General Forum on October 29th:

"That the General Forum, as recommended by the Finance Committee, receive the draft 2019 Summary Budget for the Centre Region Council of Governments and refer it to the municipalities for consideration; and furthermore, that comments be referred to the COG Executive Director by 8:30 AM, on Thursday, November 15 for distribution to the Finance Committee."

The Summary Budget incorporates comments provided by the municipalities following their review of the 2019 Program Plan, proposals contained in the 2019 to 2023 COG Capital Improvement Plan and the revisions recommended by the Finance Committee during their review sessions with the COG Agency Directors.

Below is a link to the Summary Budget. It can also be accessed at the COG's website at www.crcog.net under "Reports and Links"

[2019 COG Summary Budget](#)

Any Board comments will be forwarded to COG.

7. ADMINISTRATION (Continued)

b. Council of Governments Budget Review

Dr. Buckland asked for more information about the Millbrook Marsh lease. Mr. Steff gave a brief overview of the Centre Region Parks and Recreation Authority agreement with Penn State University.

c. Resolution for Grant Application for Nittany Valley Sports Centre Phase 2

The Nittany Valley Sports Centre (NVSC) is eligible to receive a \$1,500,000 grant from the Governor's Redevelopment Assistance Capital Program (RACP) for their planned Phase 2 expansion of their facility off of Bernel Road. NVSC needs to match this grant with a like amount of cash.

This grant program requires the sponsorship of a municipality or public authority to act as the applicant, and the Centre, through their consultant – Delta Development, has submitted a request to the Township. This grant would impose no financial costs on the Township.

The cooperation agreement, between the Township and the Centre, and the grant agreement with the Office of Budget are under review by the Solicitor.

The agenda materials include the grant eligibility letter from the Office of the Governor, the request email from Delta Development, and a draft Resolution to accompany the grant application. The Board should review and discuss the materials, accept public comments, and then, if recommended by the Solicitor, the Board should adopt Resolution 2018-016.

The Board has deferred this item to a future meeting.

8. CONSENT AGENDA – No Items

9. MANAGER'S REPORT

a. Upcoming Events

- [1] Township Offices Closed, November 22nd and 23rd
- [2] Township Offices Open, Monday, November 26th (start of deer season)
- [3] Patton Township Business Association Lunch, November 28th
- [4] Township Offices Closed, December 25th
- [5] Township Offices Closed, January 1, 2019
- [6] Patton Township Business Association Lunch, January 23rd State of the Township
- [7] ABC Recognition Dinner, January 25th

10. COMMITTEE REPORTS

Public Services & Environmental, November 1 – Whitman

- Overview of Penn State Greenhouse Gas Emissions Inventories
- Draft Task Activity Report (TAR) for Potential Centre Region Act 537 Sewage Facilities Plan Update
- Refuse and Recycling Program: MOU with CCRRA
- Refuse And Recycling Program: Next Contract Bid Specifications

Ms. Whitman stated that Penn State gave an overview on their Greenhouse Gas Emissions Inventories and they are in the top 10 of universities in US for reducing gas emissions.

Transportation and Land Use, November 5 – Whitman

- Penn State Bikeshare Update And E-Scooter Discussion
- Update On Development-Related Fees For New Single Family Construction

Ms. Whitman wanted to inform the Board and residents that the Zagster Bicycle rental is available and encouraged everyone to check out zagster.com.

Ad Hoc Facilities, November 6– Pegher

- Defining Facility
- Identifying Categories Within A Facility
- Creating A Timeline To Complete Walkthroughs
- Review Of Building Cost
- Needs Based Discussion – COG Facilities

Mr. Pegher stated that a draft of Defining Facility will be available for the next meeting.

11. OTHER BUSINESS

There were no other business.

12. ADJOURNMENT

Dr. Buckland moved to adjourn the November 7, 2018 Board of Supervisors meeting at 8:09 PM. Seconded by Ms. Whitman, the Chair adjourned the meeting.

Douglas J. Erickson, Township Secretary