

**ATTENDANCE:**

BOARD	George Downsborough, Jr., Chair Betsy Whitman, Vice-Chair Elliot Abrams Daniel Treviño, Supervisor Jessica Buckland, Supervisor	
STAFF	Doug Erickson, Township Manager Lawrence Pegher, Finance Director Stephen Casson, Township Engineer Greg Garthe, Planner Tyler Jolley, Chief of Police	
ABSENT	Betsy Dupuis, Solicitor	
AUDIENCE	C-NET (3) Scott Miller, Resident LeRoy Kline, Resident Dave Gustine, C-NET Dave Hawbaker, NVSC Alan Jackson, Walmart	Pamela Robb, Resident Cindy Hahn, C-NET Michael Lee, Nittany Valley Sports Centre Jim Payne, Resident Lexie Mariah, Walmart

**1. CALL TO ORDER / APPROVAL OF MINUTES**

**a. Pledge of Allegiance**

The Pledge of Allegiance was led by Chair Downsborough.

**b. Approval of Minutes**

Ms. Whitman moved to approve the April 24, 2019 Board of Supervisors meeting. Seconded by Ms. Buckland, the motion passed 5-0.

**2. PUBLIC COMMENTS**

There were no public comments.

**3. PRESENTATIONS / PUBLIC HEARINGS**

**a. C-NET Annual Update**

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

3. **PRESENTATIONS / PUBLIC HEARINGS (Continued)**

b. **Green-House Gas Emissions Baseline Inventory**

*From the March 13<sup>th</sup> Board meeting agenda:*

Following adoption of Sustainability Resolutions by other municipalities in the Centre Region, the Township has been discussing energy conservation and sustainability issues since. In [April 2018](#) Supervisor Buckland volunteered to lead the effort. In August and October updates, Dr. Buckland noted that the COG's Sustainability Planner (position is currently vacant) had initiated efforts to partner with Penn State to develop greenhouse gas emissions inventories for municipal operations, COG operations and ultimately our entire community.

Professor Brandi Robinson and her student, Christopher Watkins, from the Energy Sustainability and Policy program, have started collecting data to complete a baseline inventory for 2016 and 2017. This effort is scheduled to be completed later this spring.

*End of prior Board agenda materials*

The Board should receive the report, review/discuss the agenda materials, and take comments from the audience. Supervisor Buckland will then lead a discussion regarding the "next steps" for this process.

Potential Next Steps for this process include:

- Establish reduction target(s)
- Develop Climate Action Plan
- Implement Policies and Measures
- Monitor/verify results and progress

The agenda materials included a report from Mr. Watkins summarizing his findings and recommendations.

Dr.. Buckland gave a brief introduction and Mr. Watkins provided a presentation to the Board on the project.

Mr. Abrams suggested setting up a short term and long term goals.

Mr. Downsborough stated that it looks like we did not get credit for switching to 100% wind source electricity and asked why the Scope 2 bar did not shrink when we made the change. Mr. Watkins stated ICLEI is still working on how to deal with this because if there is no wind you will have a difference source. Mr. Downsborough stated that this seems to be a flaw in the system.

Dr.. Buckland stated window shadings etc. will help reduce emissions.

Dr. Buckland will utilize this report to craft some quantifiable goals and bring a resolution back to the Board for further discussion.

3. **PRESENTATIONS / PUBLIC HEARINGS (Continued)**

c. **Request for Expanded Support for Phase 2 of the Nittany Valley Sports Centre**

Mr. Erickson stated that in 2018, the Board agreed to be the sponsor for a Pennsylvania Redevelopment Assistance Capital Project (RACP) grant in the amount of \$1,500,000 for the development/construction of a Phase 2 addition (60,000 square feet) to the Nittany Valley Sports Centre (NVSC) on Champions Drive located in the vicinity of the University Park Airport. Under the RACP program, the funds would flow through the Township to the private developers of the facility. The total project budget is \$6,169,500.

The NVSC ownership group and their consultant, Delta Development, have been seeking additional funding for the project and desire to address the Board and request that the Township provide additional assistance in processing grants and loans.

The NVSC ownership group has submitted a request for funding under PA Act 18 of 2018. They have requested a \$1,500,000 grant and a \$1,100,000 low-interest loan that would be funded through recently-expanded County Hotel Tax receipts.

The NVSC ownership group requests that the Board consider expanding the Township's role to facilitate the following process:

1. Patton Township would serve as the Grantee/Pass Through for the Hotel Tax and Low Interest Loan
2. All funds would be deposited into the Sports Centre Construction Account
3. The Project would be bid and constructed by Nittany Valley Sports Centre

The agenda materials included two charts that illustrate the funding resources and the bidding / construction process.

Representatives from the NVSC will review the information provided. The Board should consider the request and discuss and/or seek additional information as needed. The Board should also request and consider comments provided by the audience.

Mr. Lee gave a brief overview on the request for expanded support for Phase 2 of the Nittany Valley Sports Centre. Mr. Kline described how funds from the State, the Visitors Bureau and the developer would all flow into one account to be held by the Township.

Mr. Trevino asked if we already participated in Phase 1. Mr. Erickson stated that we are working on obtaining a grant for the intersection construction.

Mr. Trevino asked if there are any risks. Mr. Erickson answered no financial risk and that there will be a written agreement with the developer indemnifying the Township from financial harm.

Ms. Whitman asked who would receive interest from the account. Mr. Kline stated that the grant program is not allowed to earn interest.

The Board agreed to move forward with this project pending completion and review of the agreement Mr. Erickson described.

4. **PUBLIC SAFETY**

Chief Jolley gave a brief overview of police activities for the month of April. He stated that he conducted interviews and hoping to have an Ordinance Enforcement Officer within the next couple of weeks.

Mr. Downsborough asked about status of the new software. Chief Jolley stated that they are still working thru some bugs and is looking into other options for a written police report.

5. **PUBLIC WORKS**

a. **Community Gardens Improvements**

Mr. Erickson stated that Supervisor Whitman recently asked staff to look into costs and requirements for two improvements to the Community Gardens located on the Haugh Family Preserve:

- A portable restroom facility (port-a-john) for gardens users
- ADA parking close to the garden entrance

An ADA accessible portable restroom facility can be rented for \$175 to \$185 per month (with weekly service) or \$1080 for 6 months.

Two ADA parking spaces would be required, based on the size of the existing parking lot. The surfacing may be gravel for the parking spaces. This work would also require extending the gravel drive to the gardens and providing the required ADA parking signage – see enclosed location map. The contractor's estimate for the cost is \$8300 plus the cost of signage with installation (\$250).

The 2019 Budget did not include funding for these or any other improvements.

The Community Gardens were originally set up to be a user-funded program. The Board of Supervisors has advanced funding from the General Fund to complete capital improvements (fencing, waterline, sheds) and the Gardens then re-pay the General Fund over time from the plot rental fees. The rental fees (\$40 per 20' x 25' plot) also cover the annual cost of Garden operations including staff time for management and upkeep, compost and woodchips, water fees, etc.

The cost to expand the Gardens to a total of 137 plots in 2017/18 was in the neighborhood of \$20,000. Of the \$40 rental fee, about \$24 is currently used for operations and the remainder is the repayment to the General Fund for capital improvements.

Ms. Buckland thinks making our amenities accessible to everyone is a priority.

Mr. Abrams stated that the portable restroom can be also used by park goers.

Mr. Trevino stated that he agrees with the need for a portable restroom and everything should be ADA accessible.

Mr. Downsborough requested we keep this as a user funded program.

Mr. Erickson stated that maybe a rent increase is needed next year.

Ms. Buckland moved to approve the Community Garden Improvements totaling \$8550. Seconded by Mr. Abrams, the motion passed 5-0.

5. **PUBLIC WORKS (Continued)**

b. **Updates on Requests for Traffic Improvements/Mitigations**

1) **Toftrees Golf Crossings**

Mr. Erickson stated that traffic counts were taken week of April 22<sup>nd</sup>.

2) **Toftrees / Presidents Drive**

Mr. Erickson stated that the survey was opened on May 1<sup>st</sup>. Notices were mailed to residents in Toftrees and hand delivered to residents in the CRC. Letters have gone out to First Responders for comment. Survey results will be presented to the Board at the June 12<sup>th</sup> meeting.

3) **Circleville / Scotia Alternative Analysis**

Mr. Erickson stated that the public meeting for initial review of alternatives is scheduled for May 15<sup>th</sup>. Information on the Alternatives and the input from the public will be presented to the Board at the May 22<sup>nd</sup> meeting.

6. **PLANNING & ZONING**

a. **Planning Commission Report**

Mr. McAllister gave a brief overview of the activities of the Planning Commission. A memo summarizing the Commission's recent discussions on Affordable Housing was included with the Updated agenda.

b. **Walmart - 1665 North Atherton Place - Temporary Use Permit Application for Storage Containers from 6/01/2019 To 9/30/2019**

Mr. Garth stated that the following is From May 6<sup>th</sup> Planning Commission Agenda:

Walmart has applied for a temporary use permit for the placement of 38 storage containers adjacent to the sides of the store for the company's "Back to College" event beginning in June.

The store has held temporary use permits for such containers a number of times in the past, with the most recent allowing the temporary use of 24 storage containers from May 22 to September 30, 2018 (Permit # 1816124).

Typically, temporary use permits are issued by the Zoning Officer in accordance with the **§153-34.8: Temporary use design standards** of the Township Code. These regulations were enacted by the Board of Supervisors (Board) in 2013 to provide a set of standards by which temporary land use applications are reviewed including requirements that pertain to unique circumstances that generally accompany a temporary use. However, at the July 11, 2018 Board meeting a resident inquired about the permitting process and subsequent enforcement for Walmart's permit, citing a belief that Walmart was in violation of the permit. The permit in question (#1816124) was issued by the Zoning Officer in accordance with the regulations for a permit renewal. However, the subsection **F(3)** of the temporary use regulations address disputes. Any dispute over whether a requested use is in or out of compliance with the regulations can be submitted to the Board of Supervisors for approval.

6. PLANNING & ZONING

b. Walmart - 1665 North Atherton Place - Temporary Use Permit Application for Storage Containers from 6/01/2019 To 9/30/2019 (Continued)

Accordingly, the Board discussed the matter and directed the Manager to relay the following information to Walmart for all future temporary use permits:

- The Zoning Officer will notify Walmart management that the temporary use containers shall be promptly removed following the end of the permit period.
- The Zoning Officer will remind Walmart management of the 7 AM to 7 PM time limit on hours of use for temporary use containers and also that the permit may be revoked for violations of the limits on hours of use.
- The Township Police Department will periodically monitor the Walmart site for compliance with the hours of use required by the permit and will keep a log of all site visits.
- The Zoning Officer will notify Walmart management that any requests for changes to the current permit conditions must be made to the Board of Supervisors, and that any request for a temporary use permit for storage containers will need to go through the Planning Commission and Board for approval in 2019.

*From May 6<sup>th</sup> Planning Commission Agenda (Continued):*

In this permit request, the proposed location of the containers would be 1.) on the left side of the building, behind the lawn and garden area, and 2.) on the right side of the building near the grocery docks. These are the same locations where the containers were permitted with the last temporary use permit. The temporary use permit application is **attached** for your review.

The following items were included with the (Planning Commission) agenda:

1. Walmart request for temporary use permit, including photos and map of proposed locations of storage containers.

The Planning Commission should discuss the permit request and provide a recommendation to the Board of Supervisors for consideration at its next meeting.

*End of Planning Commission Agenda materials*

The Planning Commission recommends approval of the requested Temporary Use Permit.

If the Board is considering approval, the Manager recommends that the Board also determine what happens at the end of the permit period as in:

All containers are removed from the site by the end of the day on September 30<sup>th</sup>, OR The containers are emptied, sealed and/or locked by the end of the day on September 30<sup>th</sup> and removed with \_\_\_ days, OR Some other condition defined by the Board

6. **PLANNING & ZONING**

b. **Walmart - 1665 North Atherton Place - Temporary Use Permit Application for Storage Containers from 6/01/2019 to 9/30/2019 (Continued)**

Mr. Miller stated that he is disgusted with the amount of containers and how they violate the permit every year. He stated that they have a huge facility at their Benner Pike location and asked why they don't use that one.

Ms. Mariah stated that the business has evolved this year with the online grocery pick up and with the space it took up that they need more containers. She stated that they are the busiest Walmart during the back to college season.

Mr. Abrams asked if there is anything that can be done for sound baffling. Mr. Erickson answered that it would be impracticable due to the elevation differences.

Mr. Downsborough stated that we need to enforce the 7am-7pm exterior hours of operation, police monitor site and all the containers must be removed by October 1<sup>st</sup>.

Mr. Abrams moved to conditionally approve the Walmart - 1665 North Atherton Place - Temporary Use Permit Application for Storage Containers from 6/01/2019 to 9/30/2019 with the conditions stated by Mr. Downsborough. Seconded by Ms. Whitman, the motion passed 5-0.

c. **Local Planning Staffing**

The Township's half-time Planner, contracted through the Centre Region Planning Agency, has accepted another planning position in the Centre Region. Mr. Garthe has done an excellent job for us over the last three years and we wish him the best, and expect to see him from time to time.

Recruiting and filling Planner positions has recently become a topic across the Region. Regionally the status of local planning is thus:

Patton Township – contracts 50% FTE from CRPA – will be vacant in one week

College Township – is recruiting a full-time planner as a Township employee. They have used CRPA Planning in the past. Have not yet terminated their contract with COG

Harris Township – contracts 40% FTE from CRPA – position is currently filled

Halfmoon Township – contracts 33% FTE from CRPA – position is currently vacant

Ferguson Township – Recruiting a Planning Director and have a local planner on Township staff

State College Borough – have own Planning Director and 2 local planners, have one planning position vacant

CRPA – recruiting for Local Senior Planners and Sustainability Planner

This item is for information and preliminary discussion only.

7. **ADMINISTRATION – No items**

8. **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 available to the public on-line and at the sign-in table. At the request of any 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.”

Mr. Downsborough asked to pull items 8a1 and 8a2 for further discussion.

a. **Planning and Zoning**

1) **Preliminary/Final: Bauchspies and Coyle 2-Lot Subdivision**

*From May 6<sup>th</sup> Planning Commission Agenda:*

This plan was submitted on December 20, 2018 and proposes to subdivide an existing 192-acre property into two lots. The site is located at 3341 Buffalo Run Road on the north side of PA 550 in the Rural (A-1) district. Lot 9R1 will be 181.05 acres, and lot 9R3 will be 10.47 acres. In the A-1 zoning district, property owners are permitted to subdivide up to two lots from a “parent” tract in order to receive an exemption from the Township’s Rural Preservation Design (RPD) standards, which require 50% open land, native vegetation, an interior street network, and trails/paths within the development. Lot 9R2, the first exemption, was subdivided from the parent tract in 2003, and Lot 9R3 proposed by this plan will serve as the second RPD exemption.

Access to Lots 9R1 and 9R2 will be via a shared driveway; Zigg Zag Lane. A driveway easement will be recorded with Centre County prior to final subdivision approval to ensure access to both lots.

Proposed Lot 9R3 contains several structures, which do not meet the Township’s current setback requirements, but are considered legal, nonconforming structures because they existed prior to the zoning of the property to A-1. The site contains areas of steep slopes, colluvial soils, and soils that may contain pyritic rock, which has the potential to incur acid mine drainage. Accordingly, the plan includes a note to state that any future development involving excavation activities will comply with the appropriate sections of the Patton Township Code related to pyritic rock and colluvial soils.

*From May 6<sup>th</sup> Planning Commission Agenda (Continued):*

The property is located outside of the Centre Region Regional Growth Boundary and Sewer Service Area, so any residential dwellings on the property will be served by private water wells and individual onlot sewage disposal systems. Section (§7(F)(5)(v) of the PA Act 537 Sewage Facilities Act and §136-34A of the Patton Township Code requires identification of a primary and secondary absorption area, including soil test pits, for any onlot sewage disposal system proposed to serve a lot. The previous plan submission (Dated December 18, 2018) identified a secondary absorption area for Lot 9R1 on Lot 9R3, with an easement for the Lot 9R1 owner to utilize for a sewage disposal system if necessary. At the February 4, 2019 meeting, the Planning Commission discussed the proposal but did not support the secondary absorption area being placed on Lot 9R3 with an easement for the owner of Lot 9R1. The Commissioners requested that the applicant wait until the weather permitted the establishment of a new secondary absorption area on Lot 9R1 and revise the plan accordingly. This is permitted per **§153-20: Soil Percolation**

8. **CONSENT AGENDA**

a. **Planning and Zoning**

1) **Preliminary/Final: Bauchspies and Coyle 2-Lot Subdivision (Continued)**

**Test Requirements** of the Township Code, which states that the Planning Commission may require additional tests be made on each proposed lot at the location of the contemplated disposal facilities. Accordingly, the applicant has submitted a revised plan that includes two absorption areas on each lot.

The following items are included with the (Planning Commission) agenda:

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

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.
2. Provision of completed DEP Component 1 (Exception to the Requirement to Revise the Official Plan) sewage facilities planning module.
3. Provision of a recorded easement for the use of the shared private driveway (Zigg Zag Lane) by the owners of Lot 9R1 and 9R2.

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

*End of Planning Commission Agenda materials*

The Planning Commission recommends conditional approval of the Plan.

Ms. Whitman moved to conditionally approve the Preliminary/Final: Bauchspies and Coyle 2-Lot Subdivision. Seconded by Ms. Buckland, the motion passed 5-0.

2) **Walmart Store #1640 - 1665 North Atherton Place - Temporary Use Permit Application For Tent Sale From 7/01/2019 To 9/30/2019**

*From May 6<sup>th</sup> Planning Commission Agenda:*

Walmart has applied for a temporary use permit for a tent sale from July 1 to September 30, 2019. Walmart's was last permitted to hold a tent sale from June 20 to July 5, 2018 (Permit #1816123). The 20ft x 40ft tent will be located on the large concrete area to the left of the general merchandise entrance and will be used to sell large bulk merchandise during the store's back to school sale. The following items are included with the (Planning Commission) agenda:

1. Walmart request for temporary use permit, including photos and map of proposed tent sale location.

The Planning Commission should discuss the request and provide a recommendation to the Board of Supervisors for consideration at its next meeting.

*End of Planning Commission Agenda materials*

The Planning Commission recommends approval of the Temporary Use Permit.

Mr. Trevino moved to conditionally approve Walmart Store #1640 - 1665 North Atherton Place - Temporary Use Permit Application For Tent Sale From 7/01/2019 To 9/30/2019 with exterior hours of operation limited to 7am-7pm. Seconded by Ms. Buckland, the motion passed 5-0.

8. **CONSENT AGENDA**

b. **Administration**

1) **Voucher Report**

A copy of the April 2019 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 April 2019 Voucher Report. Seconded by Ms. Buckland, the motion passed 5-0.

9. **MANAGER'S REPORT**

Mr. Erickson reported on the following.

- a. West Nile Virus season is upon us (enclosed)
- b. CCMPO [Opens Comment Period](#) for "State College Connector" project (connection from Seven Mountains to State College) (enclosed)
- c. Milling and Paving Schedule for Valley Vista Drive
- d. [Upcoming Events](#)
  - [1] Township Office Schedule
    - a. Closed, May 27, Memorial Day
    - b. Closed, July 4<sup>th</sup>, Independence Day
  - [2] Children's Safety Fair, May 11<sup>th</sup>, Colonnade Shopping Center
  - [3] [Bulk Waste Collection](#), May 13 -17 (enclosed)
  - [4] [Town and Gown Conference](#), May 19-22
  - [5] Bike to Work Week, May 13-19
  - [6] Primary Elections, May 21st
  - [7] [PML Spring Sustainability Conference](#), Toftrees, June 11<sup>th</sup>
  - [8] [Community Diversity Conference](#), Penn Stater, June 11<sup>th</sup> (registration opens in April)

10. **COMMITTEE REPORTS**

[Human Resources, May 1 – Abrams, Alt](#)

- Centre Regional Planning Agency (CRPA) – Staffing, Recruiting, and Future Organization Assessment
- Review of Office Manager Job Descriptions and Classifications
- Preliminary Personnel Changes

[Public Services and Environmental, May 2 -- Whitman](#)

- [Refuse and Recycling Bid](#)
  - **PSE Committee Follow-Up** - ALTERNATE bid recommended to General Forum

[Transportation and Land Use, May 6 – Abrams](#)

- Follow up on the Deferral of the Comprehensive Update to the Act 537 Plan
- Bike Activities

10. **COMMITTEE REPORTS**

[Ad Hoc Facilities, May 7– Trevino](#)

- Building Assessments
- Introduction Of Potential Intern
- Facilities Manager Position In The 2020 Budget
- Retaining An Agent To Help Locate Offsite Office Space
- Determine Timing Of Studies
- Planning Guide For Maintaining School Facilities – Chapter 2

[Finance, May 9 – Downsborough](#)

- Interfund Borrowing Interest Rate Policy
- Interfund Borrow Request for Refuse & Recycling Program
- 2018 Fund Balance Report
- 1Q 2019 Financial Report
- Repairs and Maintenance Report
- Ad Hoc Facilities Committee Report
- Monthly Reports

[Steering Committee for CRPR Comprehensive Plan, Canceled – Wheeler](#)

[Future COG Meetings](#)

[Public Safety, May 14 – Trevino](#)

[Exec, May 21 -- Downsborough](#)

[Parks Capital, July 11 – Buckland](#)

- a. State College Borough Water Authority, April 18 – Montieth (enclosed)
- b. Centre Area Cable Consortium, [May 13th](#) – Downsborough
- c. Spring Creek Watershed Commission, Hurley Alt
- d. [Centre County Metropolitan Planning Organization](#), June 25th – Abrams, Whitman Alt.
- e. [Centre County Airport Authority – April 25th – Trevino](#)
- f. Website Upgrade, Demos to be scheduled - Whitman, Buckland, Pegher, Erickson

11. **OTHER BUSINESS**

There was no other business.

12. **ADJOURNMENT**

Mr. Abrams moved to adjourn the May 8, 2019 Board of Supervisors meeting at 9:32PM. Seconded by Ms. Buckland, the motion passed 5-0.

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Douglas J. Erickson, Township Secretary