

3. PUBLIC COMMENTS (CONT'D)

a weight limit. Mr. Erickson explained the prohibition based on length criteria as relating to the turn radius from Waddle Road onto Clearview Avenue. Stressing a general approach of compliances as opposed to enforcement, Mr. Erickson added that the two construction companies previously reported were contacted, as will be the three other organizations mentioned at this meeting.

Township resident Mike Damiano agreed that several large trucks and busses regularly travel Clearview Avenue and went on to discuss the enforceability of the current signage. Chief Petrick maintained the position that the signage is enforceable.

Mr. Luck suggested temporary speed bumps to deter truck and bus traffic immediately and asked about establishing permanent speed bumps. Mr. Erickson responded that there is a process in place for assessing neighborhood interest that the Township Engineer can review with Mr. Miller.

4. PUBLIC SAFETY

a. Police Update

Copies of the July 2010 Public Safety Report were distributed with the agenda. Chief Petrick noted activity of the K9 Unit and a Taser deployment. He also mentioned the recent Arts Fest and tactical driving training, as well as the upcoming Safety Fair and an aggressive driving campaign.

b. Donation of Retired Cruiser

The Borough of Lewistown is forming a new Police Department, Chief Petrick informed the Board, and it is recommended that Patton Township assist through the donation of a 2000 Ford Crown Victoria cruiser recently retired from service. The estimated value of the vehicle is \$3,000 to \$5,000, he noted, and the light bar and cage from this vehicle are of no value to Patton Township. The Township's surplus property disposal policy permits transfer to another public agency with approval of the Board of Supervisors, Chief Petrick added.

Mr. Boyer, seconded by Mr. Troxell, moved to approve donation of the described vehicle to the Lewistown Borough Police Department. The vote in favor was 5-0.

c. Pension Plan Amendment

An ordinance has been advertised to amend the Police Pension Plan to conform to a determination by the Pension Board and to bring the Plan into conformance with Act 600, which no longer includes a municipal obligation to provide a killed in service benefit, Mr. Erickson stated. Copies of the proposed ordinance were distributed with the agenda.

4. PUBLIC SAFETY (CONT'D)

c. Pension Plan Amendment (Cont'd)

In February 2010 the Patton Township Police Pension Board determined that an officer would be declared to be disabled if the officer was unable to perform the “normal police duties for which the participant was hired ...” as a result of a permanent injury sustained in the performance of police services for Patton Township, Mr. Erickson reviewed, and Sergeant Walters was then declared to be eligible for a disability pension under that determination. To bring the Plan document in line with the determination of the Pension Board, he explained, the proposed ordinance deletes conflicting language that defined a disability in much stricter terms.

Act 51, signed into law in October, 2009, Mr. Erickson continued, amends Act 600 of 1955 (Municipal Police Pension Law) providing that the Commonwealth of Pennsylvania will assume the responsibility of paying the killed-in-service death benefit to a surviving spouse or eligible child in an amount equal to the decedent’s salary at time of death. Copies of a synopsis of Act 51 were distributed with the agenda. The benefit has not changed, Mr. Erickson went on, but as a result of the passage of Act 51, the burden of payment has shifted from the Township to the Commonwealth. The insurance policy the Township has in place to provide the benefit expires in late August, he noted.

Mr. Wise moved to enact Ordinance No. 2010-521 amending the Police Pension Plan. Seconded by Mr. Luck, the motion passed 5-0.

5. PUBLIC WORKS

a. Project Updates

Mr. Erickson and Mr. Brubaker provided the following report:

UAJA Removal of Valley Vista Lift Station	UAJA crew has completed work on Township property. Another lift station has been eliminated from the system. The crew did an excellent job of restoring the parking lot and grounds.
Parking Lot Expansion	To meet a growing need associated with the use of the meeting room, the Road Crew will begin a series of projects to add parking spaces.
2 nd Leaf Truck	Funded by a DCNR recycling grant, a second one-person leaf truck has been ordered from ODB. The truck is expected to arrive in time for the 2010 leaf season.

5. **PUBLIC WORKS (CONT'D)**

b. **Refinancing Bonds & Bernel Road Park Funding**

Concord Public Finance, a firm that has assisted the Township in past bond sales, has identified current rates as very favorable and pointed out that significant savings could be captured through refinancing and new bond sales, Ms. Wyatt reported. Concord has provided a proposal that includes refinancing the 2003 Bond Issue (for Open Space Acquisition), refinancing the 2005 Debt (which was a consolidation of 2002 Bond and 2004 Library loan), and advancing the borrowing for Bernel Road Park (as proposed in the current Park Plan) by one year, she said. Under the refinancing the Township can reduce 2010 debt service by an estimated \$188,000 with a total savings over the life of the obligation of \$171,162, Ms. Wyatt noted, and advancing the Bernel Road Park borrowing can lock in the current low rates, slightly increase the borrowing (4%), and pay a reduced debt service at about three percent lower than estimated in the Park Plan. The debt service for this borrowing would be paid from the 0.7 mills of real estate taxes dedicated to park development, she added.

Chris Gibbons, Concord Public Finance, explained the details of the proposal. Discussion was held regarding the ability to repay the borrowing if not used in three years.

Mr. Luck moved to authorize advertising the required ordinance for the refinancing at a minimum savings threshold of two percent and borrowing for Bernel Road Park. Mr. Troxell seconded the motion, which passed 5-0.

c. **Whitehall Road Regional Park Master Plan**

The Centre Region Council of Governments (COG) General Forum has forwarded the Master Site Plan Report for the Whitehall Road Parklands to the participating municipalities for comment will to be provided to the Parks Capital Committee, Mr. Erickson said. Copies of the report were provided at the General Forum meeting. The Board offered no comments for consideration.

d. **Hess Field Joint Articles of Agreement**

The Centre Region Council of Governments (COG) General Forum has forwarded the Articles of Agreement for Acquiring the Hess Field Softball Field Complex to the participating municipalities for adoption, Mr. Erickson stated, and an Ordinance adopting the Agreement and authorizing the Chair to execute same has been advertised. Copies of the Ordinance and Agreement were distributed with the agenda.

Mr. Luck moved to enact Ordinance No. 2010-522 adopting the Articles of Agreement for Acquiring the Hess Field Softball Field. Mr. Troxell seconded, and the vote in favor was 5-0.

5. **PUBLIC WORKS (CONT'D)**

e. **Hess Field Master Plan**

Mr. Luck summarized discussions surrounding Hess Field as first making the purchase and bringing the fields into compliance, followed by a development phase that involves repositioning. Mr. Troxell reviewed the Hess Field Master Plan and two options for development, noting that no monetary totals have been mentioned. Board discussion concluded with support for the purchase of Hess Field and the improvements needed for safety, but no support at this time for either version of the Master Plan.

6. **PLANNING AND ZONING**

a. **Planning Commission Report**

Planning Commission member Rory Stenerson was not present to report. Mr. Erickson told the Board that resident input at a recent Planning Commission Work Session led to the Commission directing staff to draft regulations to include only protection from uncovering pyritic rock.

b. **Rezoning Request for 1938 Waddle Road: Parcels 18-13-63A & -63D**

In May of 2010, Mr. Erickson recalled, the Patton Township Board of Supervisors received a request from Hawbaker Office Center Partnership, LP to rezone two parcels with frontage along Waddle Road and Weaver Street in the Woodycrest neighborhood from Medium Density Residential (R-3) to Office Buffer District (OBD), the subject parcels being ID #18-13-63A and -63D and addressed as 1938 Waddle Road. In July of 2010, he continued, the Planning Commission voted 3 to 2 in favor of the proposed rezoning, and at the July Board Meeting, the Supervisors received the Planning Commission recommendation and heard testimony from residents of Woodycrest in opposition to the rezoning. A motion to move the rezoning to a Public Hearing failed on a 2 to 2 vote (one member being absent), Mr. Erickson reviewed. The Board then directed staff to explore an option of permitting parking on an R-3 property adjacent to OBD and to place the issue on the August agenda for further consideration, he said, and Township and CRPA staff developed proposed regulations that would permit stand-alone parking lots on an R-3 property adjacent to a non-residential district. The Planning Commission reviewed this alternative to the proposed rezoning at their August meeting, and on a 4 to 1 vote recommended moving forward with the original rezoning proposal, Mr. Erickson concluded. Distributed with the agenda were copies of the draft amendments to R-3, a summary of the draft regulations, and an 11x17 map showing the R-3 district and adjacent districts.

Township resident Mike Damiano stated his opposition to any further encroachment of OBD into the Woodycrest neighborhood.

6. PLANNING AND ZONING (CONT'D)

**b. Rezoning Request for 1938 Waddle Road: Parcels 18-13-63A & -63D
(Cont'd)**

Township resident Brock Franks asked about the dirt moving methods being used at the Woodycrest Center construction site, and Mr. Erickson confirmed that all activity is in compliance with established erosion and sedimentation controls, adding that gravel stabilization is required prior to providing occupancy permits to any new building.

Township resident Scott Miller stated his opposition to the rezoning. He asked how owners wanting to rezone to R-2 can go about doing so. Mr. Erickson explained that a letter stating that request should be sent to the Township, after which the process is the same as currently occurring.

Township resident Fred Haller II spoke in favor of the rezoning.

Township resident Fred Haller I stated that Hawbaker is a good neighbor, and that it does not make sense for him to own two adjacent properties zoned differently. He added that the proposed use would add no traffic to the interior of the neighborhood and noted his opinion that all of the properties down to Strouse Avenue should be rezoned to OBD.

Mr. Boyer moved to schedule a Public Hearing on rezoning the property to OBD for the September 22 Board Meeting. Mr. Luck seconded, and the motion passed 5-0.

c. Bike and Pedestrian Path Plan

Mr. Erickson reported that the Planning Commission has recommended the following three preferred routes (in priority order) for further consideration under the Township's Capital Improvement Plan:

1. Link 8, From Circleville Park to Grays Woods Boulevard along Circleville Road (1.26 miles, estimated cost: \$386,300)
2. Link 6, From Little Lion Drive to Devonshire Drive along Valley Vista Drive (0.65 miles, estimated cost: \$192,184)
3. Link 16, Oakwood Avenue to Bellefonte Central Rail Trail through Oakwood Open Space and PSU Arboretum (0.38 miles, estimated cost: \$113,080)

This recommendation is the result of a study effort that commenced with identifying destinations that should be accessible to bicycles, he said, after which potential routes were identified to connect the destinations. Next, he continued, the routes were reviewed and ranked with regard to a weighted set of criteria, and cost estimates based on prevailing contracting costs and assumed the paths would be paved.

6. PLANNING AND ZONING (CONT'D)

c. Bike and Pedestrian Path Plan (Cont'd)

It is highly unlikely that the Township can undertake the construction of these links without significant grant funding, Mr. Erickson noted, which may be available under a new Department of Transportation grant opportunity – The Pennsylvania Community Transportation Initiative. The application period for the next round of Transportation Enhancement funds should open late in 2010, he said, and in the past there has also been funding available through the Department of Conservation and Natural Resources. Distributed with the agenda were copies of bike/pedestrian path preferred route estimates, ranking information, funding issues pertaining to bicycle facilities, and an 11 x 17 map of preferred routes.

Mr. Luck moved to direct staff to include these projects, and associated grant funding, in the upcoming Capital Improvement Plan and forward them to CRPA for inclusion in an up-coming region-wide study of bikeway needs. Mr. Boyer seconded the motion, which passed 5-0.

d. Proposed Amendment to Chapter 140, Signs: Menu Boards

McDonald's Corporation has submitted a request for consideration of amending the Township's sign regulations to allow the installation of a second menu board and to increase the maximum size from 40 square feet to 45 square feet, Mr. Erickson recalled. The Board of Supervisors received the request in July, he reviewed, referred same to the Planning Commission (PC) for a recommendation, and directed staff to invite the members of the Sign Review Board to attend the PC meeting and comment on the request. The PC reviewed the request at their August meeting and recommended adopting the amendments to §140-10.B of the sign code as written, he reported. Copies of the request letter, a site exhibit, and the draft amendments to §140-10.B were distributed with the agenda.

Mr. Wise suggested that rather than limiting signs to two per location, the limit should instead be one per ordering lane. His fellow Board Members agreed.

Mr. Luck moved to direct staff to advertise an ordinance for the September 22 Board Meeting to amend the Code, to include Mr. Wise's suggested revision. Seconded by Mr. Boyer, the vote in favor was 5-0.

7. ADMINISTRATION

a. Council of Governments (COG) 2010/2011 Program Plan

The General Forum has referred the 2010/2011 Centre Region COG Program Plan to the municipalities for review and comment as the Executive Director prepares the 2011 COG Budget, Mr. Erickson reminded the Board. He went on

7. ADMINISTRATION (CONT'D)

a. Council of Governments (COG) 2010/2011 Program Plan (Cont'd)

to provide a summary of the issues outlined in the Executive Director's report, along with the Manager's comments. Copies of the Plan were distributed electronically. The Board endorsed the Manager's comments.

b. Earned Income Tax (EIT) Collections

The Commonwealth has mandated that all EIT collections will be handled on a county-wide basis beginning no later than 2012, Ms. Wyatt reminded the Board. The Centre County Tax Collection Committee (TCC), comprised of representatives from all municipalities and school districts in the county, has been moving forward on implementing this mandate, she reported, and the TCC will be designating the Borough of State College as the Tax Collector for Centre County. It has been agreed that the Borough will be compensated for the actual costs of collection and it is estimated that the first year of collections will cost approximately \$1,050,000, she said. Copies of a letter from the TCC Chair summarizing these items were distributed with the agenda.

i. Cost Allocation Options

An item of current discussion at the TCC is how the costs of collections will be allocated to the taxing jurisdictions, Ms. Wyatt noted. Typically, she explained, costs would be allocated based on revenue collected at a straight percentage basis. She noted that the jurisdictions involved are levying the EIT at different rates such as 0.5% for Second Class Townships, 0.95% for SCASD, and 1.4% for Ferguson Township. Those with higher rates are anticipating large increases in their collection costs, she continued, and to counteract this, Ferguson Township and Bald Eagle Area School District have proposed that the costs be allocated based on the state mandated formula that is used to allocate votes in the TCC, which takes into account both EIT revenues and population. Copies of a spreadsheet comparing the two methods were distributed with the agenda. Ms. Wyatt explained the data and noted her preference for the cost allocation method that costs the Township less, and the Board agreed.

ii. Early Implementation

Ms. Wyatt pointed out that Act 32 would permit the Township to enter into an individual agreement with State College Borough to begin the transition in collectors in 2011. Under this scenario, she explained, taxes withheld by employers in 2011 would be submitted to the Borough Tax Office and the Township would be responsible for processing the 2010 taxpayer returns due by April 15, 2011, whereas the 2011 taxpayer returns (due by April 15, 2012) would be processed by the Borough Tax Office. Waiting until 2012 to implement would mean the Township would process the 2011 returns while

7. **ADMINISTRATION** (CONT'D)

b. **Earned Income Tax (EIT) Collections** (Cont'd)

ii. *Early Implementation* (cont'd)

employers would begin submitting withholdings to the Borough for 2012 taxes, she added. Ms. Wyatt added that notifying the Borough of a desire to discuss early implementation is not binding.

Mr. Wise, seconded by Mr. Luck, moved to authorize the Finance Director to notify the TCC and the Borough of Patton Township's desire to discuss early implementation. The motion passed by a vote of 5-0.

c. **Financial Trend Monitoring System**

Ms. Wyatt presented the Financial Trends Monitoring System as a means of indicating the financial stability and sustainability for the delivery of Township services to residents and businesses. Copies of the 2000 to 2009 Financial Trends Monitoring System Report were distributed with the agenda.

The Board received the report.

8. **CONSENT AGENDA**

The items included below are routine in nature, and it is not anticipated that any will generate discussion or questions, Mr. Erickson stated. Copies of the actual Consent Agenda that included the italicized text below and supporting materials were distributed with the agenda. At the request of a Board member any single item or all items on the Consent Agenda can be discussed and voted on separately, Mr. Erickson stated. If no items are "pulled," he explained, the Board should consider a motion for *"approval of the Consent Agenda items as shown on the agenda."*

a. **PLANNING AND ZONING**

1) ***Temporary Use Permit – Trinity Lutheran Church***

The Trinity Lutheran Church of 2221 North Oak Lane is requesting a Temporary Use Permit to place and operate a temporary barbeque pit on site during the following Penn State home football game Saturdays: September 18, 23; October 9, 30; and November 6, 27. The proposed pit is four (4) feet by ten (10) feet in size, will be situated so as to not interfere with or in any way affect parking or traffic flow, and will be kept a safe distance from the main church building and a small storage shed that occupy the site.

8. CONSENT AGENDA (CONT'D)

The agenda packet includes:

- *A cover letter from Rev. Ronald Miller, Jr., Lead Pastor of the Trinity Lutheran Church.*
- *Map of the property*

This request is similar to previous requests of the church that have been approved. Based on the information provided, staff recommends approval

It is recommended that the Board approve the Temporary Use Permit.

2) *Repeal of old Well Construction and Siting Regulations*

The Board of Supervisors adopted regulations intended to reduce the chances that groundwater supplies could be polluted by surface activities through Ordinance 2008-05 requiring grouting and other construction standards for wells.

Subsequently the Township adopted additional regulations governing the permitting and construction of wells and boreholes through Ordinance 2010-519, the Property Maintenance and Fire Code, which adopted the Centre Region Building Safety & Property Maintenance and Code.

To avoid any conflicts and confusion, the original regulations should be repealed.

It is recommended that the Board enact the Ordinance repealing Chapter 172 of the Patton Code.

b. ADMINISTRATION

1) *Permit Extension Fee for Code Administration*

With passage of the latest State Budget the Legislature also passed Act 46 of 2010 providing for the automatic extension of state and local permits to July 2, 2013. Act 46 does provide for the implementation of an extension fee and a fee for providing a written verification of the permit expiration date. Centre Region Code Administration proposes establishing these fees as shown on the attached chart. Additional background information regarding the state budget and Act 46 is included in the agenda materials in the form of a memo from the PSATS Executive Director.

8. **CONSENT AGENDA** (CONT'D)

It is recommended that the Board adopt a resolution adding the Written Verification Fee and Permit Extension Fee for Code Administration to the Fee Schedule.

2) ***Voucher Report***

A copy of the July 2010 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 July 2010 Voucher Report.

Mr. Luck moved for approval of the Consent Agenda items as shown on the agenda, to include enacting Ordinance No. 2010-523 repealing the old well regulations, and adopting Resolution No. 2010-007 adding the Code Administration fees as outlined. Mr. Troxell seconded the motion, which passed by a vote of 5-0.

9. **MANAGER'S REPORT**

Copies of the Development Update were distributed with the agenda.

Noting that the Homestead Farms roads are currently private, Mr. Erickson informed the Board that an estimate has been prepared for the cost to bring the roads up to standard for the Township to adopt, and the homeowners are willing to pay that amount over time. The Board had no objections.

Regarding the traffic signal on North Atherton Street in front of the Woodycrest Center, Mr. Erickson recalled that a condition was that turn restrictions be implemented for Park Forest Avenue should the signal not be installed by July. Noting the anticipated September installation, Mr. Erickson reported that this condition will be delayed.

The Zoning Hearing Board (ZHB) recently met regarding two issues, Mr. Erickson stated. He reported the following decisions:

- The ZHB rejected the appeal to board a horse on less than ten acres and the Zoning Officer has informed the owner that the horse must be removed by September 30.
- Regarding Kissell Motor Sports' challenge of the Zoning Officer's decision that their operation is not permitted within Industrial zoning, the ZHB ruled that the operation will be allowed so long as the retail portion remains below ten percent.

10. COMMITTEE REPORTS

Public Services and Environmental Committee

Mr. Boyer reported that the Committee heard a presentation on green buildings and received the recycling rebate report.

Transportation and Land Use Committee

Mr. Luck stated that the Committee discussed the economic development study.

Human Resources Committee

Mr. Troxell stated that the Committee worked on the COG Workforce Reduction Policy.

11. OTHER BUSINESS

No other business was brought before the Board.

12. ADJOURNMENT

There being no further business, by Mr. Luck's motion and Mr. Wise's second, the meeting was adjourned at 9:34 PM.

Kimberly Fragola, Township Secretary