

ATTENDANCE:

BOARD	Elliot Abrams, Chair Bryce Boyer, Vice-Chair Jeff Luck, Supervisor Walt Wise, Supervisor Josh Troxell, Supervisor
STAFF	Doug Erickson, Township Manager Brent Brubaker, Township Engineer Kim Wyatt, Finance Director Joe Price, CRPA Senior Planner Betsy Dupuis, Solicitor Susan Wheeler, Park Project Manager
ABSENT	Pat Hubert, Assistant Township Engineer John Petrick, Chief of Police
AUDIENCE	3 CNET Volunteers Scott Miller Michael Hawbaker, Glenn O. Hawbaker, Inc. Chris Hurley, Chair, Patton Township Recreation Advisory Committee Lauren Boyer, Centre Daily Times Reporter

1. CALL TO ORDER

The Chair called the meeting to order at 7:00 pm.

2. APPROVAL OF MINUTES

Upon a motion from Mr. Luck, seconded by Mr. Boyer, the minutes of the October 13, 2010 meeting were approved on a 5-0 vote.

3. PUBLIC COMMENTS

No comments were offered.

**4. PUBLIC HEARING: REZONING REQUEST FOR 1938 WADDLE ROAD –
PARCELS 18-13-63A & -63D**

Mr. Erickson introduced the topic as presented in the agenda:

“In May of 2010, 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 are ID #18-13-63A and -63D and are addressed as 1938 Waddle Road.

4. PUBLIC HEARING: REZONING REQUEST FOR 1938 WADDLE ROAD – PARCELS 18-13-63A & -63D (Continued)

In July of 2010, the Planning Commission voted 3 to 2 in favor of the proposed rezoning. At the July Board meeting the Planning Commission recommendation was received and the Board 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). 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.

In August the Planning Commission reviewed this alternative (allowing stand-alone parking lots on an R-3 property adjacent to a non-residential district) to the proposed rezoning. In lieu of taking action on the proposed alternative, the Planning Commission, on a 4 to 1 vote, recommended moving forward with the original rezoning proposal.

At the August Board meeting the latest Planning Commission recommendation was received and the Board again heard testimony from residents of Woodycrest in opposition to and in support of the rezoning. A motion to move the rezoning to a Public Hearing on September 22, 2010 passed on a 5-0 vote.

A Public Hearing was convened on September 22, 2010 and the Board heard testimony from several people.”

Mr. Abrams noted that it was later learned that one of the legal advertisements (as required by the Municipalities Planning Code) was not published, and due to this procedural error, the action taken by the Board of Supervisors to rezone the property at 1938 Waddle Road would be invalidated if the matter were challenged in court.

Mr. Abrams continued, that to rectify this error, the Township again has advertised a Public Hearing and the intent to take action on the rezoning request. He stated that those who provided testimony on the matter (as summarized in the minutes of the September 22, 2010 Board meeting, excerpt included) were notified by letter that their prior testimony will be entered into the record for the Public Hearing on October 27, 2010

Mr. Erickson reported that the agenda packet included:

- Location map for 1938 Waddle Road
- Advertised Ordinance for rezoning
- Comments received from the Centre Regional Planning Commission
- Comments received from the Centre County Planning Office

4. PUBLIC HEARING: REZONING REQUEST FOR 1938 WADDLE ROAD – PARCELS 18-13-63A & -63D (Continued)

a. Public Hearing

Mr. Abrams opened the Public Hearing for the proposed rezoning at 7:02 pm.

Township resident Scott Miller stated his disagreement with rezoning to OBD because this would be another commercial enterprise encroaching on the Woodycrest neighborhood and Patton Township seems to have an ample supply of commercial property.

Mr. Michael Hawbaker, Glenn O. Hawbaker Inc., stated he was available to answer questions.

The following testimony provided on September 22, 2010, as summarized in the meeting minutes, was entered into the record for the Public Hearing:

Dan Hawbaker, Glenn O. Hawbaker Inc., presented the rezoning request and a map of the area.

Township resident Nancy Ring, representing Dorothy Flood, spoke in favor of the rezoning. Ms. Ring added that, speaking for herself as a realtor, she thinks it would be in the best interest of the neighborhood to approve the rezoning.

Township resident Scott Miller stated his disagreement with rezoning to OBD for the existing GOH building and said that expanding the OBD zoning would just compound the original mistake. He cited several reasons behind his conclusion, added that additional traffic access should not be added to Waddle Road, and noted that once zoned OBD several uses other than a parking lot will be permitted.

Township resident Melissa Hicks stated that the requested rezoning is not in the interest of health and well-being for the area residents, pointed out failed rezoning attempts in the past, and challenged that this would be spot zoning. Solicitor Betsy Dupuis explained that spot zoning is when a zone type is completely surrounded by a single other zone type; in this case there are several different zone types surrounding the lot.

Peter Hulburt, Shaner Hotels, spoke in favor of the rezoning and stated that it will be an economic benefit to the area.

Township resident Fred Haller II told the Board that the area is becoming increasing rental buildings versus single family homes, and he said that he prefers commercial buildings to rental residents.

5. PUBLIC HEARING: REZONING REQUEST FOR 1938 WADDLE ROAD – PARCELS 18-13-63A & -63D (Continued)

a. Public Hearing (Continued)

Township resident Fred Haller noted that Weaver Street differs from the rest of Woodycrest specifically because there are so many rental units on that street, which leads to increased traffic and decreased health and safety.

Township resident Mike Damiano stated that regardless of owning or renting, single family or multi-unit, the area should remain residential.

Mr. Miller pointed out that commercial development is encroaching from all four sides of the Woodycrest neighborhood and stated his concern regarding what the area will look like in ten more years.

Ms. Hicks asked the Board to reconsider the R-3 regulations to make them more attractive for future development plans. She also asked about the property being posted and the area residents being notified. Mr. Erickson confirmed that the property was posted, and notices were sent to residents at the beginning of the rezoning request process.

Mr. Hawbaker reviewed that when the property for the existing GOH building was rezoned, several neighborhood meetings were held at which offices were preferred to residential development.

Mr. Haller stated that the notion of affordable housing along Waddle Road is simply not possible any longer because the property values along that stretch are too high.

There being no further public comments, Mr. Boyer moved to close the Public Hearing. Mr. Luck seconded the motion, which passed by a vote of 5-0. The Public Hearing was closed at 7:07 PM.

b. Action Consideration

Mr. Luck moved to approve Ordinance No. 2010-525 as advertised to rezone 1938 Waddle Road, Parcels 18-13-63A & -63D. Seconded by Mr. Boyer, the vote in favor was 5-0.

5. **PUBLIC WORKS**

a. **Bernel Road Park Design Consultant Contract Award**

Mr. Erickson reported that The Ad Hoc Park Design Consultant Selection Committee, comprised of the five- member Recreation Advisory Committee and Staff (Parks Project Manager, Assistant Engineer, Director of Public Works, and Township Manager), recommend award of a design contract in the amount of \$92,405.00 to the ELA Group, with offices in State College and Lititz, Pennsylvania. He noted that a summary of the selection process and recommendation is included in the agenda package.

Mr. Erickson continued that the design and construction of the first phase of Bernel Road Park is being financed through the recent \$2,105,000 bond issue and ELA anticipates beginning construction in the summer of 2011.

Mr. Luck moved for approval of the contract. Mr. Troxell seconded the motion.

Mr. Wise asked what made ELA particularly attractive to the selection committee. Mr. Erickson and Ms. Wheeler expanded on the selection process, and what characteristics of ELA's submission and interview made them stand out amongst their peers.

The motion passed on a 5-0 vote.

6. **ADMINISTRATION**

a. **2011 Council of Governments (COG) Budget**

Mr. Abrams noted that the General Forum referred the 2011 COG Summary Budget to the municipalities for consideration and comment. The Summary Budget was distributed with the General Forum agenda materials.

Mr. Luck stated his understanding of the Board's position on financing the Regional Parks is:

The projects should be funded through a borrowing of \$7,500,000 and use of funds currently in the Regional Parks Capital fund, and that the municipal contributions should not be increased in 2011. (i.e. remain at the current level of \$367,693.

The other Board members concurred.

Mr. Luck also noted that there are other additional expenses that will need to be funded in the future, but currently have not been quantified. These include increased operational costs for the regional parks and the need for new maintenance facilities for Parks and Recreation.

6. ADMINISTRATION (Continued)

a. 2011 Council of Governments (COG) Budget (Continued)

Mr. Erickson noted that the costs for delaying debt service on regional park bonds (i.e. capitalizing the first year's interest) is very expensive, and if it is important to have this then we should look again at a bank loan such as obtained for the pool construction.

Mr. Wise noted that most of the COG agencies produced budgets with small or no increases, but that Parks was asking for a \$100,000 increase in their operations budget. Mr. Wise recommended, with the concurrence of the other Board members, that the Parks operations budget (Fund 45) should be reduced by at least \$30,000.

Regarding regional parks funding, Mr. Wise suggested that if the municipal contributions are increased for 2011 the borrowing amount should be decreased by a like amount.

Mr. Luck pointed out that Parks and Recreation was adding staff so other staff members would be available for fund raising for the regional park projects. He suggested that this expense should be charged to regional parks and not be a general operational expense.

Mr. Boyer noted that COG needs to keep developing replacement/refurbishment schedules for capital items like buildings, vehicles and equipment.

Mr. Abrams stated that it is probably reasonable to count the students in the dormitories. Mr. Luck countered that he did not support counting these students. Mr. Abrams stated he would like to see some agreement so that Ferguson would feel comfortable in rejoining the Library agreement.

Mr. Abrams asked staff to circulate these preliminary comments to the other municipal officials in the Region.

Comments will also be provided to the COG Executive Director for distribution to the Finance Committee.

7. MANAGER'S REPORT

The Manager reported on current matters, including the following:

- a. Act 111 Arbitration will occur on December 10th

8. COMMITTEE REPORTS

There were no committee reports.

9. OTHER BUSINESS

There was no other business.

10. ADJOURNMENT

The meeting was adjourned at 7:51 pm.