

ATTENDANCE:

BOARD	Elliot Abrams, Chair Bryce Boyer, Vice-Chair Jeff Luck, Supervisor Josh Troxell, Supervisor Walt Wise, Supervisor
STAFF	Doug Erickson, Township Manager Brent Brubaker, Township Engineer John Petrick, Chief of Police Kim Wyatt, Finance Director Joe Price, Senior Planner Betsy Dupuis, Solicitor Susan Wheeler, Parks Project Manager Joe Wilson, Consultant
ABSENT	Pat Hubert, Assistant Township Engineer
AUDIENCE	3 CNET Volunteers Mark Torretti, PennTerra Engineering Mark Saville, Sweetland Engineering Betsy Whitman, Township Resident Dan Hawbaker, Glenn O. Hawbaker, Inc. Katie Ombalski, Clearwater Conservancy

1. CALL TO ORDER

The December 8, 2010 Patton Township Board of Supervisors meeting held at the Township Municipal Building was called to order at 7:00 PM by Chair Elliot Abrams.

2. APPROVAL OF MINUTES

On a motion from Mr. Boyer, seconded by Mr. Troxell, the minutes of the November 3, November 10, and November 17, 2010 meetings were approved on a 5-0 vote.

3. PUBLIC COMMENTS

No comments were offered.

4. PUBLIC SAFETY

a. Police Update

Chief Petrick presented the October and November 2010 Public Safety Reports highlighting a hostage situation training, DUI patrols, and weapons training.

The Police Chief also presented a Sergeant's promotion list for Board adoption with the following results: #1 Sean Albright, #2 Matthew Shupenko, #3 Tyler Jolley, #4 Mark Swindell, #5 Jeffrey Shoemaker. Chief Petrick informed the Board that with adoption of the list Officer Sean Albright would be promoted to the rank of Sergeant effective January 12, 2011. He further noted that the list will remain in place for two years and it is anticipated that further promotions will be made as incumbents retire. Upon a motion by Mr. Troxell, seconded by Mr. Luck, the list was approved on a 5-0 vote.

5. PUBLIC WORKS

a. Species Survey for Proposed Gray's Woods Park Site

Mr. Erickson introduced the topic by reminding the Board of the past approval of the Gray's Woods Planned Community Master Plan and the tentative designation of a 43 acre tract that was to be developed partially as parkland. Mr. Erickson pointed out that the tract contained wetlands. He stated that in response to concerns raised last year by Clearwater Conservancy, the Township engaged Wilson Ecological Consulting to conduct a botanical survey of the flora and fauna of the site, and to assist in gaining input from state and federal agencies with regard to species of concern. He continued that of the nine species of concern, the northeastern bulrush, has been identified on the site. Additionally Mr. Erickson noted that the Pennsylvania Fish and Boat Commission (PFBC) has raised concerns about the potential for eastern spadefoot toad habitat. He also stated that a pdf copy of the report, *Botanical Survey With Notes on Other Species of Interest, Proposed Gray's Woods Park Site, Patton Township, November 2010*, was distributed prior to the meeting and additional correspondence from and to PFBC was included with the agenda materials. Mr. Erickson concluded by stating that staff estimated that six to ten acres of the parcel were needed for development of active park elements.

Mr. Wilson stated his scope included identifying any "fatal flaws" that would prohibit park development. He continued that he identified 235 plant species and 120 animal/insect species. The conclusion from Mr. Wilson's report states:

"Development of a public park on the Gray's Woods Park property certainly seems feasible. Results of this study indicate that there are no natural resource "fatal flaws" associated with the property but that there are several sensitive resources that should be considered while planning the proposed park and its associated features. Due to these sensitive resources, it is highly recommended that planning include cooperation with the resource agencies and the adoption of impact minimization strategies that are designed to lessen or eliminate stresses on the identified sensitive resources. It seems logical that the preferred design would have no or minimal impact on local hydrologic flows (i.e. stormwater should not be retained) and should include efforts that reduce the spread of non-native and invasive species."

"It is worth noting that converting this site into a public park would be one way to preserve and enhance its natural features. If converted into a park for public recreation, many human use values would be added to the site, which would actually increase the overall functions and values of the site, provided the site was developed such that existing ecological functions were not lessened."

Ms. Ombalski addressed the Board stating that other species, beyond those protected by state and federal law, also be respected. She continued that constructing ballfields or any improvements will impact the wetlands and the amphibians that generally occupy the uplands but rely on the wetlands for breeding.

5. PUBLIC WORKS (Continued)

a. Species Survey for Proposed Gray's Woods Park Site (Continued)

After discussion regarding what standard of care should be used, Mr. Erickson asked Mr. Wilson if his recommendation would change if the Township proposed providing protection to all S3 species also. Mr. Wilson said it was his understanding that the wetlands themselves would not be encroached upon and because most of the S3 species were associated with the wetlands themselves, his recommendation would not change.

By consensus the Board directed staff to resolve the outstanding issue with PFBC, to proceed to the Master Planning stage for the Gray's Woods Park incorporating the guidance provided by the report, to further engage Mr. Wilson to review and advise during master planning and to keep Clearwater Conservancy informed and notified.

6. PLANNING & ZONING

a. Planning Commission Report

Commission member Chuck Seighman reported on the activities of the Planning Commission.

b. Subdivision Plan: Lot Consolidation: Pediatric Dental Care And Orthodontics

Mr. Erickson introduced this item by covering the agenda information: "Gray's Woods Professional Development LLC owns Lots 1 through 4 of Parcel 18-03-48C comprising a total of 3.160 acres with frontage along both Gray's Woods Boulevard and Ghaner Road. The developer wishes to consolidate the parcels so that they may develop the site as detailed in item #5 below. The Planning Commission recommended approval with completion of all items noted on staff's marked up comment letter. The agenda materials include a Location Map and 11" x 17" version of the lot consolidation plan."

Mr. Torette presented the plan.

Upon a motion by Mr. Luck, seconded by Mr. Boyer, the plan was approved, conditioned upon completion of all items noted on staff's marked up comment letter, by a 5-0 vote.

6. PLANNING & ZONING (Continued)

c. Preliminary/Final Land Development Plan: Pediatric Dental Care And Orthodontics

Mr. Erickson introduced this item by covering the agenda information: “Gray’s Woods Professional Development LLC owns Lots 1 through 4 of Parcel 18-03-48C comprising a total of 3.160 acres with frontage along both Gray’s Woods Boulevard and Ghaner Road. The site is addressed as 1019 Ghaner Road and is located within both the OBD Office Buffer district and the I-99 Interchange Overlay district. The proposal is to construct a nonresidential office building. The site is not currently occupied with any structures; however, development of the site will be preceded by the relocation of an existing overhead utility line. The proposed building will encompass a total of approximately 33,000 gross sq. ft., with a first floor area of about 13,300 sq. ft. to be utilized by a dental care and orthodontics operation. The second floor space will be occupied at a later date. “

“All associated improvements will account for an on-site impervious area of a little more than 50%, which is well within the permitted maximum of 55%. Stormwater flows will be directed to two detention basins situated in the southeastern portion of the property, which is the rear yard area and adjacent to the R1 zoning district. Access to the site will be provided by way of a proposed drive intersecting with Ghaner Road and beyond the extent of the PADOT limited access right of way. The parking requirement of 128 spaces is met with 128 proposed spaces of the parking lot. The proposed lighting and landscaping meet the Township requirement and a screened dumpster area will provide containers for both trash removal and recycling. The site will be served by public sewer and water as provided for by the University Area Joint Authority (UAJA) and the State College Borough Water Authority (SCBWA), respectively. Site improvements include an on-site 8ft. wide bicycle and pedestrian path which will parallel both Gray’s Woods Boulevard and Ghaner Road and provide a safer bike/ped connection from areas west of the site to Ghaner Road and beyond. In addition, a sidewalk will be installed in the Township right-of-way along Ghaner Road for that portion of the right-of-way situated east of the proposed access drive. In addition to the Traffic Impact Study that the Township required, the PADOT has requested that a separate Traffic Impact Study be submitted to the PADOT for their review and approval due to the proximity of the project to the PADOT Limited Access Right-of-Way. The agenda materials include a Location Map, 11” x 17” version of the land development plan, comment letter from Alpha Fire Company, comment letter from Centre Area Transportation Authority (CATA), copy of the marked-up staff comment letter.”

“The Planning Commission recommended approval with:

1. Approval of a lot consolidation plan for lots 1 through 4 of Parcels 18-03-48C.
2. Staff discussion with PA DOT to determine if PA DOT will require a Traffic Impact Study (TIS) and submission of an approved TIS if one is required.
3. Completion of all items noted on staff’s marked up comment letter.”

Mr. Toretti presented the plan. Discussion ensued on the need for PA DOT to require a Traffic Impact Study, traffic issues, and drainage issues.

6. **PLANNING & ZONING (Continued)**

c. **Preliminary/Final Land Development Plan: Pediatric Dental Care And Orthodontic (Continued)**

Upon a motion by Mr. Luck, seconded by Mr. Boyer, the plan was approved, with the conditions identified by the Planning Commission, by a 5-0 vote.

d. **Preliminary/Final Land Development Plan: Patton Towne Center: Revised Phase 1**

Mr. Erickson introduced this item by covering the agenda information: “The Patton Towne Center is a development project proposed to be constructed upon Parcel #18-11-17, a 16.26 acre parcel of land located at the intersection of Waddle Road and Colonnade Boulevard and formerly occupied by Lowe’s. The site is situated within the C2 Planned Commercial District and partially within the I-99 Interchange Overlay District.

“Phase 1 of the Patton Towne Center was approved in July of 2008. At that time, the proposed *full* build-out of Patton Towne Center included a six-building hotel/shopping center complex encompassing approximately 270,000 sq. ft. of space, two restaurants totaling 13,252 sq. ft. and a 4,377 sq. ft. bank, with Phase 1 construction to consist of 170,000 sq. ft. of hotel/spa/meeting space; a 5,600 sq. ft. restaurant and a small retail space. During their meeting on May 12, the Board approved a Revised Phase 1 plan limiting the proposed Phase 1 construction to two restaurants totaling 19,128 sq. ft. in size. One of those restaurants was to be a tavern style restaurant, as defined by the Township Code and the other, a traditional family style restaurant. *The basis for this most recent submission of a “Revised Phase 1” plan is that the developer is now proposing to build any two of three restaurants that are now being shown as potential Phase 1 construction. The total resultant square footage of the restaurants to be built during Phase 1 will be the sum of any two of the following: 8,960 sq. ft., 9,000 sq. ft., and 5,500 sq. ft. The main reason for this is timing and uncertainty as to when and if potential tenants will enter into leases for the individual building sites.* In addition to the above-noted structures, and as was most recently previously approved, the developer will be constructing three new entranceways to the Patton Towne Center site, a lane on the westbound side of Colonnade Boulevard for traffic turning right into Patton Towne Center, an extension of the eastbound right turn lane of Colonnade Boulevard, a bus pull off and stop for eastbound CATA buses on Colonnade Boulevard and some of the parking for the Patton Towne Center. Although 645 parking spaces are shown on the plan, only a portion of those spaces will be built during Phase 1. Depending on which two buildings are actually constructed, the total parking provided during Phase 1 will be either 192 or 251 spaces. Because the developer has provided an enhanced stormwater management plan, the maximum impervious coverage for the full build-out of the site is set at 70% per section 175-17.D.9.b of the Township Code. Total proposed impervious coverage at full build-out will approach 70%; however, Phase 1 construction will result in significantly less impervious coverage. Maximum building coverage is 30%. The building coverage that the two largest restaurants would produce in the proposed scenario is 2.7%, with total building coverage at full build-out being approximately 25%.

6. PLANNING & ZONING (Continued)

d. Preliminary/Final Land Development Plan: Patton Towne Center: Revised Phase 1 (Continued)

The agenda materials include a Location Map, 11" x 17" version of the land development plan, and copy of the marked-up staff comment letter."

"The Planning Commission recommended approval with:

1. Submission of revised plans showing a redesigned loading zone as agreed to by staff.
2. Completion of all items noted on staff's marked up comment letter."

Mr. Saville presented the plan.

Upon a motion by Mr. Luck, seconded by Mr. Boyer, the plan was approved, with the conditions identified by the Planning Commission, by a 5-0 vote.

7. SKETCH PLAN: GLENN O. HAWBAKER, INC.: PARKING LOT EXPANSION

Mr. Erickson introduced this item by covering the agenda information: "Glenn O. Hawbaker, Inc. has provided a sketch plan to construct 54 additional parking spaces on lands currently identified as Parcels 18-13-65, 18-13-63A and 18-13-63D. Parcel 18-13-65 is addressed as 1952 Waddle Road, contains 2.13 acres and is occupied by an existing office building. Parcels 18-13-63A and 18-13-63D are addressed as 1938 Waddle Road, contain a total of .60 acres and are occupied by a single family residential structure. During their meeting of October 27, 2010, the Board of Supervisors voted to rezone Parcels 18-13-63A and 18-13-63D of 1938 Waddle Road to OBD, Office Buffer District from R3, Medium Density Residential. 1952 Waddle Road is also zoned OBD. It is important to note that for the site to be further developed as shown on the sketch plan, the three parcels will need to be consolidated together."

"Per the Pennsylvania Municipalities Planning Code, Section 707-A, a *"landowner may present a sketch plan to the municipality for discussion purposes only, and during the discussion the municipality may make suggestions and recommendations on the design of the developmental plan which shall not be binding on the municipality"*. Thus, the opportunity to present sketch plans provides developers the means to introduce projects, receive initial feedback from the Township on plan features, and explore alternatives. The Commission is *not* obligated to provide comment on the sketch plan; however, any comments provided by the Commission will be forwarded to the Board of Supervisors. Note that no official action may be taken on a sketch plan. The agenda materials include a Location Map, and 11" x 17" version of the plan."

Mr. Erickson reported that the Planning Commission had no comments.

Mr. Hawbaker presented the plan, noting that the three parking lots would be constructed as needed.

7. ADMINISTRATION

a. Code Administration Study

Mr. Erickson reported that the Centre Region Council of Governments (COG) General Forum has referred the COG October 2010 Operations Review of Code Administration to the participating municipalities for comments. Comments from the Board are due back to the COG Executive Director by February 7, 2011 for distribution to the Ad Hoc Code Administration Study Committee.

The Board determined that this item should be added to a January meeting agenda.

a. Fee Increases for Centre Region Code Administration

Mr. Erickson presented the current and proposed fees for three permits and programs administered by the Centre Region Code Administration, noting that they have been incorporated into the 2011 COG budget:

Fire Safety Permits:

Current:

Annual Permit Fee = T x \$75.00 / V (rounded to the nearest dollar)	
T = Estimated Inspection Time of Property	
Square Feet	Time in Hours
2,500 or less	0.75
2,501 to 25,000	1.5
25,001 to 75,000	3
75,001 to more	7.5
V = Inspection Frequency Value	
Life Safety Value (as determined at the time of inspection)	Inspection Frequency
100 or less	5 year interval
101 to 400	3 year interval
401 or more	Annually

Proposed:

Annual Permit Fee = T x \$80.00 x R / V (rounded to the nearest dollar)	
R = Reduction Factor = 0.51	
T = Estimated Inspection Time of Property	
Square Feet	Time in Hours
1,000 or less	2
1,001 to 2,500	2.75
2,501 to 10,000	3.5
10,001 to 25,000	4.5
25,001 to 75,000	6
75,001 to more	9.5

7. ADMINISTRATION (Continued)

a. Fee Increases for Centre Region Code Administration (Continued)

Rental Housing Permits for Fraternity or Dormitory:

Current:

3. Fraternity, or dormitory	
a. With fewer than 15 sleeping rooms	\$325.00
b. With 15 -25 sleeping rooms	\$375.00
c. With more than 25 sleeping rooms	\$425.00

Proposed:

3. Fraternity, or dormitory	
a. With fewer than 15 sleeping rooms	\$350.00
b. With 15 -25 sleeping rooms	\$400.00
c. With more than 25 sleeping rooms	\$450.00

Add Plan Review Fee (for second submission) and Work not Covered by Permit:

Proposed:

F. Plan Review Fees	
Upon the second plan submission prior to the issuance of a permit if plan review comments have not been adequately addressed or if additional comments are required to be generated, or any submission of modifications after a the issuance of a permit	
1. Submission fee	\$150
2. Review fee	\$80 x Staff Time in Hours
G. Work not covered by permit fees	
1. Fee	\$80 x Staff Time in Hours

Upon a motion by Mr. Luck, seconded by Mr. Troxell, Resolution 2010-021 was approved by a 5-0 vote.

b. Adoption of Capital Improvement Plan 2011-2015, 2011 Township Budget, and 2011 Council of Governments Budget.

Mr. Abrams introduced this item by noting the following information was included in the agenda: “In September the Board received and reviewed the Manager’s recommendation for the Township’s five year Capital Improvement Plan (CIP). The CIP provides an additional financial planning tool that serves as a companion to the Township’s annual Budget, focusing on major capital projects, significant operational increases (e.g. staff additions or COG programmatic changes), and long-term financing options. The revised 2011-2015 CIP, incorporating input from the Board to survey residents and conduct a referendum for future Open Space borrowing, is included with the agenda materials.”

7. ADMINISTRATION (Continued)

b. Adoption of Capital Improvement Plan 2011-2015, 2011 Township Budget, and 2011 Council of Governments Budget.

“At the November 10, 2010 meeting the Manager presented his recommended budget, incorporating the current elements of the CIP, which the Board tentatively adopted with a Real Estate Tax rate of 8.7 mills. This Tentative 2011 Township Budget was advertised for a Public Hearing, which was held on November 17, 2010. The Board received no comments from the Public Hearing.”

“The 2011 Township Budget presented for final adoption provides for an increase of 0.3 mills in the Real Estate Tax rate and the following totals:

Revenue	\$10,342,912
Expenditures	\$10,257,578
Revenue less Expenses	\$ 85,334
Ending Cash Balance	\$ 1,290,637”

“The 2011 Township Budget must be adopted by December 31, 2010.”

“At the November 22, 2010 General Forum meeting the 2011 Centre Region Council of Governments Budget was approved and referred to the municipalities for adoption. Approval of the 2011 Township Budget would incorporate approval of the 2011 COG Budget. The Board should consider the following actions to adopt the 2011-2015 CIP and the 2011 Township Budget:

- Approval of a 2011-2015 Capital Improvement Plan Resolution.
- Approval of a 2011 Budget Resolution
- Approval of a 2011 Property Tax Rate Resolution”

Upon a motion by Mr. Luck, seconded by Mr. Troxell, Resolutions 2010-022, -023, -024, were approved by a 5-0 vote.

b. Adoption of Fund Balance Policy

Mr. Erickson stated that the Government Accounting Standards Board (GASB) Statement Number 54, Fund Balance Reporting and Governmental Fund Type Definitions, requires a change in the financial reporting for fund balances for Governmental funds, for financial statements beginning after June 15, 2010. He continued that GASB 54 replaces the current fund balance reporting with new definitions and reporting requirements into a new hierarchy based on the decreasing level of constraint that are:

- 1 Non Spendable – not in spendable form, such as inventory or equipment
- 2 Restricted – externally restricted by agencies, donors, etc.
- 3 Committed – restricted by the Board through official action
- 4 Assigned – restricted by management for intended purposes
- 5 Unassigned – unrestricted for general use

7. ADMINISTRATION (Continued)

b. Adoption of Fund Balance Policy (Continued)

Mr. Erickson continued that examples of “Restricted” level fund balances are debt service obligations and balances resulting from grants with specified future expenditures; the “Committed” level fund balances generally consist of the Designated Reserve Funds included in the annual Township Budget; the “Assigned” level consists of amounts that are constrained by the government’s intent to be used for specific purposes - this can be accomplished by the governing body, the budget or finance committee, or delegated to an official with the authority to assign amounts to be used for specific purposes; the “Unassigned” balance would be the funds called “Cash Balance” in the Township budget. He continued that municipalities must adopt the GASB 54 fund balance categories for financial reporting, and governmental finance organizations are recommending adoption of a resolution to preserve the authority of the government’s chief operating officer (i.e. the manager or executive) to make financial decisions within their current authority (as limited by state and local regulations) within the “Assigned” level of fund balances.

Mr. Erickson concluded that the purpose of the proposed resolution is to adopt the GASB 54 fund balance categories and provide authority to the Township Manager to make financial decisions (i.e. to assign fund balances), within the guidelines of the Patton Township Code and the Second Class Township Code, for specific purposes that do not require Board approval or Board action and only the Township Manager has the authority to assign fund balances and this authority cannot be subordinated to a lower level of management (other than interim or acting manager in his/her absence) and this authority does not extend into the “Unassigned” level of fund balances.

Upon a motion by Mr. Wish, seconded by Mr. Luck, Resolution 2010-025 was approved by a 5-0 vote.

8. CONSENT AGENDA

Mr. Erickson noted that these items included below are routine in nature and it is not anticipated that any will generate discussion or questions.

a. PUBLIC WORKS

1) Materials Bids

The Township has advertised for and received bids for the supply of concrete, asphalt, bituminous road material, gasoline and diesel fuel. A copy of the Township Engineer's Bid Tabulations and recommendation is enclosed.

It is recommended that the Board award the following contracts for materials as recommended by the Engineer by memo dated December 2, 2010:

2011 Concrete	Arrow Concrete Company
2011 Gasoline & Diesel Fuel	J.J. Powell, Inc.
2011 Aggregates	Hanson Aggregates PA LLC
2011 Bituminous Materials	Glenn O. Hawbaker, Inc.

8. CONSENT AGENDA(Continued)

a. PUBLIC WORKS(Continued)

2) Approve Submission of Grant Application for Circleville Bikeway

Public Works and Planning have prepared a grant application to be submitted to PADOT for the Transportation Enhancements (TE) program to fund the proposed Circleville Road Bikeway. The application requests \$351,498 for construction and inspection. A copy of the application and map are included with the agenda material. A prior grant application was submitted to PADOT in September for the Pennsylvania Community Transportation Initiative (PCTI) for this same program.

It is recommended that the Board approve the grant application and authorize the Manager to submit same on behalf of the Township.

b. ADMINISTRATION

1) Voucher Report

A copy of the November 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 November 2010 Voucher Report.

3) Police Pension Plan Employee Contributions for 2011

The 2007-2010 contract with the Police Officers' Association provides that employee contributions for the Police Pension Plan will be 2.5 percent of base salary during the contract period. The amount contributed by officers is a matter at dispute for 2011 and will be determined through arbitration. The 2011 Township Budget was prepared on the same basis (2.5%) as the 2010 contribution. A confirming resolution is required on an annual basis.

It is recommended that the Board adopt the resolution (copy enclosed) confirming the 2011 contribution rate of 2.5 percent and noting it may be revised through Act 111 interest arbitration.

Upon a motion by Mr. Luck, seconded by Mr. Troxell, the consent agenda was approved by a 5-0 vote, including Resolution 2010-020.

9. MANAGER'S REPORT

Mr. Erickson reported on the following items:

- a. Development Update was enclosed in Planning Commission agenda packet
- b. Organizational Meeting is scheduled for Monday, January 3, 2011
- c. ABC Volunteer Appreciation Dinner will be January 28, 2011
- d. Executive Session for Manager's Performance Review to follow adjournment

10. COMMITTEE REPORTS

Mr. Luck reported that the Transportation and Land Use Committee met and reviewed preliminary outcomes from the Economic Development Study.

Mr. Boyer reported that the Public Services and Environmental Committee was continuing its work on a resolution for the green house gas project.

11. OTHER BUSINESS

Mr. Boyer asked that staff compile a comparison of the Ridge Overlay district adopted by Ferguson and Harris Townships to the proposed ordinance that the Planning Commission rejected last year, and bring a report back to the Board.

12. ADJOURNMENT

There being no further business, upon a motion by Mr. Troxell, seconded by Mr. Luck, the meeting was adjourned at 8:20 pm.

13. EXECUTIVE SESSION

The Board met in Executive Session with the Solicitor to consider a personnel issue. No action was taken following the Session.

Douglas Erickson, Township Secretary