

ATTENDANCE:

BOARD	Elliot Abrams, Chair Bryce Boyer, Vice-Chair Jeff Luck, Supervisor Josh Troxell, Supervisor Walt Wise, Supervisor
STAFF	Doug Erickson, Township Manager Kim Wyatt, Finance Director Brent Brubaker, Township Engineer John Petrick, Chief of Police Joe Price, Senior Planner Betsy Dupuis, Solicitor
ABSENT	Pat Hubert, Assistant Township Engineer
AUDIENCE	CNET 3 Volunteers Marco Sciulli, Bryan Stoy, Nick Craven, PSU students

1. CALL TO ORDER

The September 28, 2011 Patton Township Board of Supervisors meeting held at the Township Municipal Building was called to order at 7:02 PM by Mr. Abrams, Chair.

2. APPROVAL OF MINUTES

Mr. Boyer moved to approve the minutes of the September 14, 2011 meeting. Seconded by Mr. Wise, the motion passed 5-0.

3. PUBLIC COMMENTS

No comments were offered.

4. PUBLIC HEARING: PROPOSED ZONING REGULATIONS FOR WIND ENERGY FACILITIES

Mr. Erickson stated that in July the Board received a recommendation from the Planning Commission on regulations for Residential Wind Energy Facilities (RWEF) and Commercial Wind Energy Facilities (CWEF). He noted that although the draft proposes standards for the regulation of CWEFs, the available wind speed data indicates that the wind resource in the Township is not sufficient to encourage the installation of CWEFs in their current technology.

Mr. Erickson reported that the standards proposed for RWEFs are intended to impose the least regulatory burden possible so as to encourage the installation of RWEFs but yet also provide adequate protections for the public health, safety and welfare. The regulations are proposed to be included in Chapter 175: Zoning. In light of the often sensitive nature of the siting and operation of wind turbines, zoning allows the most direct regulation of such matters including, for instance, the permitted type (based on size and/or capacity) and location of turbines within in the Township.

4. **PUBLIC HEARING: PROPOSED ZONING REGULATIONS FOR WIND ENERGY FACILITIES**
(cont'd)

a. **Public Hearing**

The Chair noted that the Public Hearing for the proposed zoning regulations has been advertised for this meeting. The Board convened the Public Hearing to receive comments regarding the proposed regulations for Residential Wind Energy Facilities and Commercial Wind Energy Facilities at 7:03.

Mr. Boyer inquired regarding decommissioning requirements for RWEF. Staff confirmed that there were no such requirements for residential facilities and noted that commercial facilities are required to post surety for decommissioning and that is generally not done with residential parcels. Mr. Erickson advised the Board that if they wanted to change the regulations at this point another Public Hearing would be required.

b. **Action Consideration**

The Board closed the Public Hearing at 7:10. Mr. Boyer moved to adopt the Proposed Zoning Regulations for Wind Energy Facilities. Seconded by Mr. Luck, the motion passed 5-0. The Board directed staff to work with the Planning Commission on decommissioning requirements for RWEF.

5. **PUBLIC HEARING: PROPOSED SUBDIVISION AND LAND DEVELOPMENT REGULATIONS FOR EXCAVATIONS POSSIBLY INCLUDING PYRITIC ROCK**

Mr. Erickson stated that in August the Planning Commission concluded work on developing regulations for Excavations Possibly Including Pyritic Rock and recommended approval to the Board of Supervisors. He noted that the following information was included in the July Planning Commission and August Board of Supervisors agendas:

“Previously, over the course of the past year and in relation to the issue of concern, two different sets of draft regulations were considered by the Planning Commission.

Firstly, the Bald Eagle Ridge Overlay District (BERO), which offered a form of comprehensive ridge protection regulations, did not move forward. Instead, staff was instructed to prepare regulations that would deal exclusively with the potential hazards associated with disturbing and exposing pyritic/sulfuric rock during a construction process. The main result of which could be the formation of Acid Rock Drainage (ARD).

During a work session held on February 7 of this year, the Planning Commission considered draft regulations titled “Deep Excavations”, which regulated construction activities on the basis of the proposed depth of excavation. At that meeting, it was determined that the concept of using depth as a regulatory mechanism is flawed in that a specific depth of excavation could not be applied uniformly throughout the Township. (There is a correlation between the depth of the water table and the potential for ARD; however, the water table can fluctuate greatly from one location to another.) Staff was directed to propose a different regulatory mechanism and prepare a new draft.

Throughout this process, staff continued to work closely with renowned geologists, Drs. David “Duff” Gold and Arnold Doden, in the formation of a new draft. As noted above, the draft is simply titled “Excavations”.

5. **PUBLIC HEARING: PROPOSED SUBDIVISION AND LAND DEVELOPMENT REGULATIONS FOR EXCAVATIONS POSSIBLY INCLUDING PYRITIC ROCK (cont'd)**

In essence, the regulatory elements of the new proposal have their basis in specific soil types, topographic settings and their underlying conditions (geologies), and a set of inspection and testing procedures intended to identify existing and/or the potential for ARD. In addition, the regulations are proposed to be included in Chapter 153: Subdivision and Land Development rather than in Chapter 175: Zoning. Therefore, the standards will apply not on the basis of a specific zoning district, but on the basis of specific criteria applicable to evaluating a site for ARD. The standards will pertain primarily to non-residential construction activities and multi-family activities when the criteria are met. Small-scale residential activities will be exempt.”

a. **Public Hearing**

The Chair noted that the Public Hearing for the proposed subdivision and land development regulations has been advertised for this meeting. The Board convened the Public Hearing at 7:03 to receive comments regarding the proposed regulations for Excavations Possibly Including Pyritic Rock. (The Public Hearings for Items 4 and 5 were held concurrently.) No comments were offered.

b. **Action Consideration**

The Board closed the Public Hearing at 7:10. Mr. Boyer moved to adopt the proposed regulations for Excavations Possibly Including Pyritic Rock. Seconded by Mr. Luck, the motion passed 5-0. (The approval of Items 4 and 5 were made concurrently.)

7. **PUBLIC SAFETY**

a. **Police Update**

Chief Petrick stated that the department participated in aggressive driving details with 150 citations being issued in July and August, and that thefts are up which were mostly retail thefts at major retail outlets in the Township.

8. **PUBLIC WORKS**

a. **Bernel Road Park; Change Orders**

Mr. Erickson stated that the project continues to move forward with no additional charges to date. Of the original project budget of \$2,000,837.00, the Township has contracted with General Recreation and Glenn O. Hawbaker (GOH) for a total of \$1,896,340. When the contracts were awarded, it was known there would be additional expenses to bury the existing power line (see next item) and a contingency of approximately \$60,000 was held back.

Mr. Erickson continued by noting that at this time the Parks Project Manager has recommended that we use the contingency funds to add the “Great Lawn” alternate into the project. The Great Lawn provides a graded grassy area for unstructured recreation. Adding the Great Lawn would cost \$45,000 (original alternate bid price) and would be partially offset by an expected credit on the playground area pavement of approximately \$4,945. A map of the park is included with the agenda materials.

Mr. Troxell moved to approve the Change Orders for Bernel Road Park. Seconded by Mr. Luck, the motion passed 5-0.

Mr. Erickson also informed the Board of the intent to install some additional trees along the easterly boundary to buffer some existing homes.

8. **PUBLIC WORKS (cont'd)**

b. **Bernel Road Park; Burying Existing Power Line**

Mr. Erickson stated that the project includes placing the existing overhead power line in underground conduits through the park. The Parks Project Manager has been working with West Penn Power to complete the project before next spring. The original plan was to use the Township Road Crew to excavate and install the conduit. But the very rocky nature of the ground and the Crew's obligations to other projects, has led the Parks Project Manager to solicit a bid from GOH to trench and backfill for the project.

Mr. Erickson noted that approval of the following items is needed:

1. Purchase of 5 inch conduit from Freedman Supply for \$6,664.80.
2. Change Order to GOH to trench and backfill for \$10,281.00.
3. Agreement with West Penn Power to install underground wiring and remove overhead lines and poles for \$44,000.

Concurrent with the approval of the previous item, Mr. Troxell moved to approve the Change Orders and agreements for burying the power line for Bernel Road Park. Seconded by Mr. Luck, the motion passed 5-0.

9. **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 will also be available to the public at the sign-in table. At the request of a 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."

a. **Administration**

- 1) **MMO for Pension Plans**
- 2) **Appointment of Assistant Township Secretary**

Mr. Troxell moved to approve the Consent Agenda. Seconded by Mr. Wise, the motion passed 5-0.

10. **MANAGER'S REPORT**

Mr. Erickson informed the Board that the Township has advertised for an engineering consultant and are looking into a bank loan for the Waddle Road Interchange. At the request of Mr. Erickson, Mr. Wise and Mr. Luck volunteered to serve on the consultant selection committee for the Interchange upgrade project.

Mr. Erickson stated that he received a phone call from Ms. Burg, one of Patton's Library Board representatives, in regards to Ferguson Township's proposal to contract for funding for the next few years and requested advice from the Board members. The Board members noted that because Ferguson was not a member of the COG library project, Patton Township could not exert much effort on influencing Ferguson. The Board advised Ms. Burg to do what would be best for the Library and accepting Ferguson's offer may be the best feasible outcome.

11. COMMITTEE REPORTS

Mr. Luck stated that Metropolitan Planning Organization (MPO) met last night and discussed the Governor's Transportation Funding Study Committee recommendation of lifting the cap on the gas tax and recommending increasing the registration fee. He stated that MPO is going to send a letter of support if the Board agrees.

Mr. Wise stated that the Finance Committee started working on the budget and that the current COG budget has gone up about 8.8% which is mostly related to the parks and recreation funds. Mr. Wise and Ms. Wyatt noted that the timing of drawdowns and principal payments on the Regional Park loan will be a point of discussion.

Mr. Luck inquired about Parks and Recreation assessing the fees they charge for field use, and raising those to increase program revenues. Mr. Wise stated he would raise the issue.

12. OTHER BUSINESS

There was no other business brought before the Board.

13. ADJOURNMENT

There being no further business, by Mr. Luck's motion and Mr. Boyer's second, the meeting was adjourned at 7:39 PM.

Douglas J. Erickson, Township Secretary