

**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  
                             Betsy Dupuis, Solicitor  
                             Joe Price, Senior Planner

ABSENT

AUDIENCE              CNET 3 Volunteers  
                             Terry Harrison, Resident  
                             Joyce and Dick Harvey, Residents  
                             Rick Brezina, Resident  
                             John Keenan, Resident  
                             Caralee Mason, Resident  
                             John O'Neill, Planning Commission  
                             Sam Kerns, MCP  
                             Dave Pike, Sweetland Engineering

**1. CALL TO ORDER**

The October 12, 2011 Patton Township Board of Supervisors meeting held at the Township Municipal Building was called to order at 7:00 PM by Mr. Abrams, Chair.

**2. APPROVAL OF MINUTES**

Mr. Luck moved to approve the minutes of the September 28, 2011 meeting. Seconded by Mr. Boyer, the motion passed 5-0.

**3. PUBLIC COMMENTS**

No comments were offered.

**4. PUBLIC HEARING: PROPOSED HOMESTEAD FARMS NEIGHBORHOOD IMPROVEMENT DISTRICT, REVIEW OF PRELIMINARY PLAN DOCUMENTS**

Mr. Erickson stated that he and the Engineer have worked with the Homestead Farms Corporation Board of Directors to develop a process wherein the Township would accept ownership of these roadways and the required improvements, needed to bring the streets up to public road standards, would be funded by the property owners of the neighborhood. The Neighborhood Improvement District Act (Act of 2000, P.L. 949, No. 130) permits a municipality to levy special assessment fees on the properties of a defined area or neighborhood, and the assessment fees are used to make improvements within the neighborhood.

4. **PUBLIC HEARING: PROPOSED HOMESTEAD FARMS NEIGHBORHOOD IMPROVEMENT DISTRICT, REVIEW OF PRELIMINARY PLAN DOCUMENTS (CONT'D)**

A Preliminary Plan document has been prepared to detail the specifics of establishing the Neighborhood Improvement District (NID), the special assessment fees to be levied, and the improvements to be undertaken. The Preliminary Plan document was mailed, via Priority Mail, on September 9, 2011 to all property owners and non-owner residents of the Districts.

Mr. Erickson summarized the NID plan and procedure for establishing an NID as described in the agenda:

Summary of the NID Plan

“Of the 48 properties in the neighborhood, 43 are in Patton Township and 5 are in Ferguson Township. Likewise, of the nearly one mile of roadway in the neighborhood, approximately 90% is in Patton Township and the remainder is in Ferguson Township. This proposal includes the unique element that Patton Township would accept ownership of all the roadways, including those in Ferguson Township.

The Township Engineer has identified improvements that are needed to bring the streets up to Patton Township’s public roadway standards. These improvements, along with costs to establish the districts, are estimated to cost \$212,245. The improvements would be completed over a ten year period as detailed in the Plan.

To fund the identified improvements the Township would enact the NID and levy special assessment fees of \$4,421.77 per property. The NID provides that the special assessment fee is payable in installments with \$625.00 due in January 2012, and the remainder due in twelve annual installments of \$316.40 due on March 1<sup>st</sup> of each year commencing in 2012 and ending in 2023. The initial \$625.00 will be paid by the Homestead Farms Corporation on behalf of the property owners.”

Procedure for Establishing the NID

“This Public Hearing is being convened in accordance with the NID Act “for the purpose of receiving public comments from the affected property owners within the NID ...” Residents may provide comments on the plan, offer suggestions for changes or request clarification of plan elements.

If substantive changes are made to the plan based on the Public Hearing input, the Plan will be revised and re-submitted to the property owners. Another Public Hearing will be held, no earlier than 15 days following any prior Public Hearing on the NID. This process would repeat again if the plan is further revised.

If substantive changes are not made to the Plan, the Plan will be deemed to be the Final Plan for the NID.

**Important Item: Once the Plan is declared to be the Final Plan, property owners have 45 days to register their disapproval of the final plan in writing to the Township Manager/Secretary.**

Following the Hearing where the Plan is finalized, the Township will provide a written notice to the property owners regarding their right to register their disapproval.

If less than 40% of the property owners file written objections, and after the 45 day period has expired, the Board of Supervisors may enact, by ordinance, the Homestead Farms Neighborhood Improvement District in Patton Township.

4. **PUBLIC HEARING: PROPOSED HOMESTEAD FARMS NEIGHBORHOOD IMPROVEMENT DISTRICT, REVIEW OF PRELIMINARY PLAN DOCUMENTS (CONT'D)**

If enacted by the Township, all the agreements and documents noted in the Plan will be completed, the Township will accept responsibility for maintenance and improvements for the roadways and the Township will send the special assessment fee bills to the property owners.

A parallel process will also occur in Ferguson Township for the establishment of that NID.”

a. **Public Hearing**

The Board of Supervisors convened the Homestead Farms NID Public Hearing at 7:08 pm.

Mr. Harrison asked if a future Board could change the cul-de-sac from being open space. Mr. Erickson stated that there should be a clause in the deed that would revert the property to the Homestead Farm Corporation if that were to occur.

Mr. Wise asked if this will still be done for Patton Township residents even if Ferguson Township residents do not approve. Ms. Harvey, speaking for the HFC Board, stated that they would have to consider their options were that to occur.

b. **Action Consideration**

On a motion from Mr. Luck and seconded by Mr. Troxell, the Board of Supervisors closed the Public Hearing at 7:13 pm with a vote of 5-0.

Mr. Luck moved that the Plan is deemed to be the Final Plan for the Homestead Farms Neighborhood Improvement District in Patton Township and the 45-day period for registering disapproval in writing will commence. Mr. Troxell seconded, the motion passed 5-0.

4-1. **PUBLIC SAFETY**

a. **Patrol Officer Appointment**

Chief Petrick stated that out of 39 applicants who took the written test for the position of Patton Township Police Officer on June 25, 2011, three met the qualification standards by scoring at least 90% on the written test and 80% on the oral examination, and passing the physical agility test. One applicant then withdrew after the oral examination. Both of the remaining candidates are Act 120 certified. The individual to be appointed will fill a vacancy created from a recent retirement from the Department.

The Police Chief and Township Manager recommend that an offer of employment as a Police Officer be made to the top ranked applicant on the 2011 Police Selection Final Certified Selection List.

Chief Petrick stated that if the applicant accepts the offer of employment, he/she must then pass both a physical and a psychological exam to fulfill the conditions of employment. The Americans with Disabilities Act requires that such medical examinations may be required only after a bona fide offer has been made and if individual cannot start by early December to make an offer of employment to other candidate.

Mr. Wise moved to accept the 2011 Police Selection Final Certified Selection List to be effective until December 31, 2012 and that an offer of employment as a Police Officer be made to the top ranked applicant on the 2011 Police Selection Final Certified Selection List.. Seconded by Mr. Boyer, the motion passed 5-0.

5. **PUBLIC WORKS**

a. **Project Updates**

Mr. Erickson stated that the playground is complete at Bernel Road Park but with the wet weather through August and September the earth work is delayed and we are not sure if the tennis court will get paved this year.

Mr. Brubaker stated that the street overlay was originally scheduled for last week but was postponed by contractor until this week and it is getting close to the contractor's deadline. Mr. Erickson stated that if the project is not done by the deadline, the contract will be cancelled and that the Township will not accept bids from this contractor for 5 years. (Update: work was completed before deadline, DJE)

6. **PLANNING AND ZONING**

a. **Planning Commission Report**

Mr. O'Neill informed the Board that at the October 3 meeting the Planning Commission discussed issuing a temporary permit for Mr. Gordon Repine who is seeking permission for a second year to sell Christmas trees at 1855 North Atherton Street, behind the Ameriserv Bank on the rear portion of the Greentree Commons. He stated there was discussion at the work session about the reorganization of chapter 175 (zoning regulations) to make the regulations more user friendly.

b. **Rezoning Request for Parcel 18-003-58K, and the Rights-of-Way for Grays Woods Boulevard and Scotia Road**

Mr. Erickson stated that prior to the construction of I-99 it was Scotia Road that intersected US-322 in the vicinity of the current Grays Woods Interchange. During the construction of I-99 the Township urged the Grays Woods Partnership to work with PennDOT to reconfigure the Grays Woods Boulevard/ Scotia Road intersection to its current state and renamed a portion of Scotia Road (along the Geisinger frontage) as Grays Woods Boulevard.

While the construction was completed over Parcel 18-003-58K the dedication/acceptance of the new rights-of-way and abandonment/reversion of the vacated rights-of-way never occurred.

At this time, a local business is contemplating developing parcel 18-003-58E (the Tudor residence) as an office in the adjacent OBD district. The OBD district regulations require 300 feet of frontage for a driveway or adjacent parcels must use a shared drive. The Tudor parcel currently has 220 feet of frontage on Grays Woods Boulevard. They report they have not been able to successfully negotiate a shared use driveway agreement with the parcel owner to the north.

In exploring other options, they found the right-of-way issues noted above and have proposed a series of land sales/swaps, dedications, roadway vacations and a rezoning that in the end provides 300 foot of frontage for the Tudor parcel, permitting a driveway access to Grays Woods Boulevard. They report they have had favorable discussions with the Grays Woods Partnership on the proposed actions.

Mr. Erickson continued by noting that without getting tangled up in a rather complex process, the simplified question is: "If the rights-of-way are 'cleaned up' would the Township consider rezoning a portion of the property to provide 300 feet of frontage, permitting a driveway, for the Tudor parcel?"

Mr. Pike stated that the property owner to the south now has the property up for sale and does not want to jeopardize that process.

6. **PLANNING AND ZONING**

b. **Rezoning Request for Parcel 18-003-58K, and the Rights-of-Way for Grays Woods Boulevard and Scotia Road (cont'd)**

Mr. Kerns stated that Mission Critical is a growing business that is now located on Innovation Boulevard but would like to put a 10,000 square foot office building in Patton Township and would like to bring more employment opportunities to the area. Mr. Wise asked what kind of business is Mission Critical. Mr. Kerns stated that Mission Critical does 911 public safety consulting.

Mr. Wise move to approve the Rezoning Request for Parcel 18-003-58K, and the Rights-of-Way for Grays Woods Boulevard and Scotia Road. Seconded by Mr. Luck, the motion passed 5-0.

7. **ADMINISTRATION**

a. **Capital Improvement Plan**

Ms. Wyatt presented to the Board the draft of 2012– 2016 Capital Improvement Plan (CIP). The presentation included:

- An overview of forecasted revenues, operating expenditures, current debt service, and on-going capital expenditures for the next five years
- The Manager's recommendation for new initiatives (capital projects and other significant expenditures) for inclusion in the five-year plan.
- A forecast of anticipated tax rates required to support the Manager's recommendation.

Mr. Wise asked why we have a vehicle from the District Attorney's office. Ms. Wyatt stated that one of the detectives uses this vehicle while working with the District Attorney and various task forces focused on drug-related crime.

The Board received the Plan, recommended no changes and directed the Manager to prepare a final version of the Plan to be adopted in December and to incorporate the capital projects and other significant expenditures scheduled for 2012 into the Annual Budget to be presented in November.

b. **Earned Income Tax Ordinance**

Mr. Erickson stated that in preparation of county-wide collection of Earned Income taxes, the Centre County Tax Collection Committee (TCC) has provided a model ordinance that should be adopted by all municipalities and school districts in the County by November 30, 2011. The model ordinance will ensure that the taxing jurisdictions are in compliance with Act 32 (mandating county-wide collection) and there are uniform regulations across the county. To enact this ordinance it must be advertised weekly for three weeks prior to adoption. The model ordinance included with the agenda materials is just the model. If a cleaner version is available by meeting time, it will be distributed. For Patton Township the key elements will be:

Earned Income Tax rate of 0.5% for residents  
Earned Income Tax rate of 1.0% for non-residents  
Tax Collector for EIT is State College Borough Tax Office

Mr. Luck move to advertise the Earned Income Tax Ordinance for Act 32 compliance. Seconded by Mr. Boyer, the motion passed 5-0.

**8. CONSENT AGENDA**

Mr. Abrams stated that 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. Planning and Zoning**

**1) Temporary Use Permit; Christmas Tree Sales**

Mr. Gordon Repine is seeking permission for a second year to sell Christmas trees at 1855 North Atherton Street, behind the Ameriserv Bank on the rear portion of the Greentree Commons. The operation will consist of a 50' x 60' fenced-in area with a 6' x 8' shelter and is scheduled to begin during Thanksgiving week. The area will be illuminated by four 500 watt lights – one in each corner – which will be required to be full cut-off fixtures. Temporary parking will be situated directly adjacent to and along the western side of the fence with access to the site provided by way of Patriot Lane. There should be no disruption to normal vehicular circulation on or around the site. Hours of operation will be 12:00 noon until 9:00 pm with tear-down to occur the week following Christmas. The agenda materials include a 8.5 x 11 map showing the site and proposed location of the Christmas tree sales as well as a letter from the owner granting Mr. Repine their permission to use the site. The Planning Commission recommends approval.

**b. Administration**

**1) Voucher Report**

A copy of the September 2011 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. Luck moved to approve the Consent Agenda. Seconded by Mr. Troxell, the motion passed 5-0.

**9. MANAGER'S REPORT**

Mr. Erickson stated that the Development Update was provided and he had no further items to report.

**10. COMMITTEE REPORTS**

Mr. Boyer stated that Public Service met and discussed the refuse and recycling contract in which the monthly cost will increase by \$0.15. He said that Public Safety met today and that Mr. Schneider from Code Office went over 2012 code permit schedule with a 10% decrease recommended for permit fees for 2012.

Mr. Wise stated that most of the COG budget is at a 2%-4% increase but Parks is at about a 8 ½% increase. The Board and the Finance Director discussed the need to revise the payback schedule for the Regional Parks loan because no funds would be needed until later in 2012 at the earliest.

Mr. Troxell stated that Human Resource Committee did not meet due to lack of agenda items. He also expressed his disappointment with Parks and Recreation for not following the COG procedures for proposing new personnel positions. Mr. Abrams asked Mr. Troxell to provide a letter to the Executive Committee on the matter.

Mr. Luck stated that he is concerned that every year the Parks department is increasing. Ms. Wyatt stated that she would suggest they need to track the costs for each individual project. Mr. Erickson stated that municipal contributions are about 88% of operationsl expenses.

**11. OTHER BUSINESS**

There was no other business brought before the Board.

**12. ADJOURNMENT**

There being no further business, by Mr. Boyer's motion and Mr. Wise's second, the meeting was adjourned at 8:24 PM.

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Douglas J. Erickson, Township Secretary