

ATTENDANCE:

BOARD	Elliot Abrams, Chair Bryce Boyer, Vice-Chair Josh Troxell, Supervisor Walt Wise, Supervisor
STAFF	Doug Erickson, Township Manager Kim Wyatt, Finance Director Brent Brubaker, Township Engineer Pat Hubert, Assistant Township Engineer John Petrick, Chief of Police Joe Price, Senior Planner Betsy Dupuis, Solicitor Robert Leonard, Sergeant PTPD
ABSENT	Jeff Luck, Supervisor
AUDIENCE	CNET 3 Volunteers Joyce and Dick Harvey, Homestead Farm HOA Rick Brezina, Homestead Farm HOA Andrea Leonard, Guest Melissa Mauer, Resident Hassan Jack, Jacks Trinidad Chicken Shack Andrew and Lisa Groves, Residents John O'Neill, Planning Commission Walter Schneider, Centre Region Code Mark Torretti, Penn Terra Engineering John Sepp, Penn Terra Engineering Steve Augustine, Sheetz Inc.

1. CALL TO ORDER

The July 20, 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. Troxell moved to approve the minutes of the June 15, 2011 meeting. Seconded by Mr. Boyer, the motion passed 4-0.

3. PUBLIC COMMENTS

No comments were offered.

4. PUBIC SAFETY

a. Sergeant Robert Leonard Retirement

Chief Petrick informed the Board that Sergeant Leonard is retiring in early August after 32 years of service. The Board presented Sergeant Leonard with a plaque honoring his years of service.

4. **PUBIC SAFETY(CONTINUED)**

b. **Recruitment Update**

Chief Petrick stated that on June 25th there were 39 individuals that took the written exam with 5 of the individuals passing the test with a 90 or better and that this Saturday the interviews and agility course will be held.

5. **PUBLIC WORKS**

a. **Project Updates**

Mr. Erickson informed the Board that the road crew has been out working on curb replacements on N. Barkway, Carogin Drive and Carnegie Drive. He stated that Glenn O. Hawbaker, Inc. is working on earthwork on the detention basin and the entrance drive at the Bernel Road Park with playground construction to start in mid August and the J. Alvin Hawbaker memorial stone and plaque were installed along Park Forest Avenue near the entrance to Park Forest Village.

b. **Request for Proposals (RFP) for Waddle Road Interchange Engineering Services**

Mr. Erickson stated that he met with PennDOT in May and that the enclosed Public Notice has been prepared by Delta Development and was approved by PennDOT to initiate the selection process for traffic engineering, and ultimately preparation of construction documents, for the project. Mr. Erickson stated that he along with Ms. Wyatt met with three local banks to check out loan rates and recommend that the township get a loan for \$3 million to be paid off in 25 years. Mr. Troxell stated that he would prefer to see it as a package deal for the financial side before making a decision. Mr. Erickson stated that he should have more information from the banks by the end of this week. Mr. Boyer stated that he also would like to see the numbers and to see a commitment from the partners in regards to funding towards this project. Mr. Wise supports the idea to go ahead for safety reasons but would feel more comfortable with more of a definition. Mr. Abrams is concerned on how long the engineer study would be valid. Mr. Erickson stated that he will get together a package with all the numbers from the bank for the next meeting.

c. **Introduction to Proposal to Dedicate Homestead Farms Roads to the Township**

Mr. Erickson stated that the Township has been working with the Homestead Farms Home Owners Association's (HOA) Board of Directors to develop a proposal and 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 members of the HOA.

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. Conversations with the Township Solicitor and the Ferguson Township Manager found no legal or technical reasons this could not happen.

The Township Engineer has identified improvements that are needed to bring the streets up to Patton Township's public roadway standards. These improvements are estimated to cost \$204,245. To provide the funding for these improvements the proposal provides for establishing Neighborhood Improvement Districts (one in each Township) that would assess property owners over a period of time (8 to 12 years). Likewise, the Engineer proposes a ten year schedule for completing the identified improvements.

5. **PUBLIC WORKS (CONTINUED)**

c. **Introduction to Proposal to Dedicate Homestead Farms Roads to the Township (Continued)**

Mr. Erickson recommended that the Township move forward with this and that the next step in the process would be a meeting between Staff and the HOA membership to review the proposal and address questions, followed by a presentation to Ferguson Township. If the proposal is generally acceptable to the HOA members and to Ferguson Township, the issue would return to the Patton Board to schedule and advertise the Public Hearing required as part of the formation of the Neighborhood Improvement District.

Ms. Harvey asked the Board if the payoff could be for a longer amount of time possibly 12 years. The Board indicated that they would be reluctant to go longer than 12 years.

The Board found no reasons to not proceed as outlined.

d. **Ordinance to Change Minimum Habitable Space Standards for Rental Housing**

Dr. Schneider stated as discussed at the June meeting, with the adoption of the Centre Region Property Maintenance Code, which regulates rental housing, last year the minimum bedroom sizes for new rentals were increased at the request of the Borough of State College. This created an unintended condition that made some existing homes ineligible to be used as rentals, even if they met the current minimum space requirements for new residential construction.

Mr. Boyer moved to approve the Ordinance to Change Minimum Habitable Space Standards for Rental Housing. Seconded by Mr. Troxell, the motion passed 4-0.

e. **Introduction to Proposed Re-adoption of Building Codes**

Dr. Schneider, the Director of the Centre Region Codes Administration recommends that the Township consider the re-adoption of our local regulations to remove inconsistencies and conform our local adoption language with that of the state-wide Uniform Construction Code.

Mr. Boyer moved to advertise the ordinance for possible adoption at the August 17 meeting. Seconded by Mr. Wise, the motion passed 4-0.

f. **Review of Crash Data for the Park Forest Avenue/ N. Atherton Street Intersection**

Mr. Abrams stated that in response to a pattern of vehicle crashes involving vehicles turning left from Park Forest Avenue onto N. Atherton Street the Township adopted a plan in 2009 to continue tracking the vehicle crashes at the subject intersection. While the number of crashes would warrant a turn restriction at the intersection, the Township opted to continue to monitor the intersection and determine if the new traffic signal at Patriot Drive would create more gaps in the Atherton traffic stream and mitigate the crash history.

The monitoring plan that was adopted assumed that the commercial development at Patriot Drive would be constructed in the near term. To date the site includes a bank, a mattress store and a music store. The plan includes another 90,000 square feet of retail space. Since this development is not in place the traffic signal at Patriot Drive is not cycling as frequently as assumed in the monitoring plan.

Mr. Brubaker stated that from August 2010 until June 29, 2011 there have been 7 accidents at this intersection that was directly related to the left turning vehicle

Mr. Erickson recommended that the monitoring plan be revised to continue monitoring and defer any determination until Patriot Drive site is more fully developed and that staff will provide future updates based on crash history and site development. Mr. Abrams asked for another review in July 2012.

6. PLANNING AND ZONING

a. Planning Commission Report

Mr. O'Neill stated that at the July 11th Planning Commission meeting they voted on two temporary use permits and discussed issues with Residential and Commercial Wind Energy Facilities.

b. Introduction to Proposed Regulations for Wind Energy Facilities

Mr. Price has concluded work on developing regulations for Residential Wind Energy Facilities and Commercial Wind Energy Facilities.

The following information was included in the agenda for the last Planning Commission meeting:

"In preparation of the regulations, staff and the Planning Commission previously reviewed source material which, in part, offered a comparison of existing local regulations (College, Ferguson, and Halfmoon Township), provided model regulations and suggested standards, and illustrated wind speed mapping along with data relevant to assessing the wind energy resource available in Patton Township. 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. 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. In addition, the regulations are proposed to be included in Chapter 175: Zoning. Though there is more than one regulatory tool by which it is possible to regulate wind energy facilities, by far the most common and, perhaps, the most appropriate, is by way of zoning controls. 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."

Mr. Boyer asked why if there is a system failure violation that the person has 14 days until enforcement. Mr. Price stated that it was to give the person time to take care of the issue. Mr. Boyer stated that if a unit is installed but causing signal interference or other problems that it should have to be taken care of immediately.

Mr. Boyer commented on the length of time allowed for decommissioning a facility and asked that it be reduced.

Mr. Troxell discussed the setback measurements for roof-mounted installations. He noted that if the turbine is more than 15 feet from the edge of the roof, no further setback should be required. Mr. Erickson stated that the industry does not recommend putting towers on the roof. Mr. Price stated that staff will review how to define the measurement of roof towers and make some changes to the regulations for the next meeting.

The Board agreed to review the proposed regulations at the August 17th meeting before scheduling a Public Hearing.

6. **PLANNING AND ZONING (CONT'D)**

c. **Request to Amend C-1 Zoning District Regulations to Permit Limited Use of Permeable Pavers as Pervious Cover**

Mr. Torretti, Engineer, stated that Sheetz, Inc., operates a store at the corner of Woodycrest Street and N. Atherton Street and has been investigating a complete redevelopment of the site to include a new building and new fueling facilities. Their latest concept includes more parking spaces than required by the Township zoning regulations and pushes their plan beyond the impervious coverage limits. They propose amending the impervious coverage section of the regulations to permit the use of permeable interlocking concrete pavers (PICP) for up to 5% of the site and that these pavers may only be used for dumpster pads and parking spaces in excess of the required minimum.

Board discussion focused on maintenance and replacement requirements, the appropriateness for areas where spills may occur, and the possible requirement of other site enhancements as tradeoffs.

Mr. Troxell moved to forward the request, with comments reflecting the Board discussion, to the Planning Commission for study and recommendation. Seconded by Mr. Boyer, the motion passed 4-0.

7. **ADMINISTRATION**

a. **Mid-Year Financial Report**

Ms. Wyatt provided an update on the Township's financial position based on revenues and expenditures from the first six months of the year. The Board accepted Ms. Wyatt's recommendation to defer filling the vacant Police Officer position and review the matter again with the 2012 budget.

b. **Centre Region Council of Governments (COG) Capital Improvement Plan**

Ms. Wyatt stated that in the CIP there are two 8000 square foot maintenance buildings for Parks and Recreation proposed to be built in 2013 and 2014 that is budgeted very low. She stated that realistically the number should probably be doubled.

Mr. Erickson stated that comments will be sent to COG about the cost for the maintenance buildings and showing the debt service for the Regional Parks loan.

8. **CONSENT AGENDA**

Mr. Erickson 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. **PUBLIC WORKS**

1) **Resolution to Support Tax Exempt Financing for the Second Mile Learning Center**

The Township approved the Master Plan and Land Development Plan in 2010 for the proposed Second Mile Learning Center at the intersection of Fox Hill and Bernel Roads. The following information was provided by an attorney retained by the Second Mile:

8. **CONSENT AGENDA (CONTINUED)**

a. **PUBLIC WORKS (CONTINUED)**

1) **Resolution to Support Tax Exempt Financing for the Second Mile Learning Center (Continued)**

“The Second Mile, a Pennsylvania non-profit, 501c3 organization is undertaking a tax-exempt bank loan financing to construct a facility to be known as The Learning Center. It is described in more detail in the attached documents. Susquehanna Bank will be the lender and College Township IDA is issuer of the tax-exempt Note.

This project, located in Patton Township, requires several different governmental approvals and a public hearing (known as a TEFRA hearing). I have set forth a proposed time-line for these approvals and hearing below. I also have drafted the various governmental resolutions, approvals and hearing notice, all of which are attached hereto.

Patton Township needs to approve the project as that is where The Learning Center will be located. College Township needs to approve the project as that is the parent entity of the issuer of the tax-exempt note, College Township IDA. College Township will also hold the TEFRA hearing. Finally, College Township IDA will adopt a borrowing resolution approving the project and borrowing.” (Note: College Township has approved the project.

The attached documents further state that “...the Note shall not constitute a debt or obligation of Patton Township and do not obligate the taxing power of Patton Township in any way” and “Such approval is only given for purposes of (IRS) Section 147(f) of the Code and does not constitute any other municipal approval of the Project, including without limitation, planning, zoning or building code approval.”

These attached documents include the proposed Resolution, an Approval and Consent of Applicable Elected Representative (Chair), and a copy of the College Township Resolution.

It is recommended that the Board approve the Resolution and authorize the Chair to sign on the behalf of the Board.

2) **Grant Application for Upgrades to N. Atherton Street / Walmart Plaza Entrance Traffic Signal**

The Public Works Director is working to complete an application for PennDOT’s Automated Red Light Enforcement (ARLE) Grant Program. The project would involve installing or renovating pedestrian ramps and pedestrian signals at the subject intersection. There currently is no pedestrian ramp on the western side of the intersection and we have been requested by a nearby resident to have one installed. This grant would fund construction of the ramps and installing pedestrian signals.

8. **CONSENT AGENDA (CONTINUED)**

2) **Grant Application for Upgrades to N. Atherton Street / Walmart Plaza Entrance Traffic Signal (Continued)**

This program will provide up to 100% of the funds needed for the project.

It is recommended that the Board approve a Resolution for an ARLE Grant application for an amount not to exceed \$50,000.

3) **Resolution to Accept Drainage Easement for Bernel Road Park**

The Parks Project Manager has secured a drainage easement from the Crusts, who own the downstream property adjacent to the proposed Bernel Road Park. .

It is recommended that the Board of Supervisors adopt a Resolution accepting the drainage easement.

b. **PLANNING AND ZONING**

1) **Temporary Use Permit for Patton Township Police Safety Fair**

The Patton Township Police Department is requesting a temporary use permit to hold their annual Patton Township Safety Fair. This year's event is proposed to be held on September 17, 2011 in the Colonnade Shopping Center's parking lot (in front of Target, adjacent to Colonnade Boulevard). It is expected that, as in years past, several local police departments, fire companies, and other first responders (including LifeFlight) will set up various displays, demonstrations, and activities to educate and entertain the general public about safety issues. Food vendors will be present as well. Ingress and egress will be through the Colonnade's parking lots, and traffic patterns will be only slightly affected. There will be 10' x 10' canopies in place for shade and shower protection.

The Patton Township Police Department proposes holding this year's event from 9:00 AM until 4:00 PM, with setup beginning at 8:00 AM and cleanup lasting until 5:00 PM. There have never been any problems or complaints with this fair in the past, and the Planning Commission recommended approval. The agenda packet includes a location map and materials submitted by Officer Tom Snyder of the Patton Township Police Department.

The Planning Commission recommends approval.

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

8. CONSENT AGENDA (CONTINUED)

b. PLANNING AND ZONING (CONTINUED)

2) **Temporary Use Permit – Jack’s Trinidad Chicken Shack**

Mr. Hassani Jack has submitted an application for a Temporary Use Permit for the purpose of operating a mobile food unit on the grounds directly in front of Penn State Mobile Homes at 1766 North Atherton Street.

Mr. Jack will sell chicken sandwiches and other items from Monday through Saturday through October during the hours of 11:00 am and 8:00 pm or sundown if before 8 pm. The food unit measures 7 ft. wide x 14 ft. long x 10 ft. high. Ingress and egress for the site will be by way of the existing drive for the mobile home office. No lighting is proposed.

Other temporary uses have occupied the same location in the recent past with no known problems. Staff has reviewed the application materials and recommends that the permit be approved with the following conditions:

1. Prior to selling any food, documentation be provided that verifies that proper licensing/permitting has been issued by the State College Borough health inspector

This agenda packet includes a cover letter, agreement between Mr. Daron Dibert and Mr. Jack, and a location map with sketch.

The Planning Commission recommends approval.

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

c. ADMINISTRATION

1) **Voucher Report**

A copy of the June 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.

It is recommended that the Board approve the June 2011 Voucher Report.

Mr. Troxell moved to approve the consent agenda including adoption of Resolutions 2011-006, -007, and -008. Seconded by Mr. Boyer, the motion passed 4-0.

9. MANAGER'S REPORT

Mr. Erickson informed the Board that enclosed with the packet is the June Development Update. The second item on the Report was a request to the Board on how to handle the Discovery Space funding request. He noted that the agenda materials included a letter from a resident opposing any donations of taxpayer money to charitable organizations. Mr. Wise stated that this donation is something the Board should think about and that a lot of parents in Patton Township would take their children to Discovery Space. Mr. Abrams asked that something be put in the budget to discuss. Mr. Boyer stated that he feels that since it is not in Patton Township, plus charge for admission, that he is hesitant to make a long term commitment. Mr. Erickson asked the Board to think about it and he would bring it up to the Board again in a couple of months during the budget discussions.

10. COMMITTEE REPORTS

Mr. Boyer stated that Public Services met and discussed the Act 537 agreement. He stated that at the Public Safety meeting the Fire Administrator made a request to make the Fire Administrator job a full time position instead of part time.

Mr. Wise stated that the Finance Committee met and discussed the fund balance in the planning agency due to a long term vacancy.

Mr. Troxell stated that HR Committee met and discussed the Fire Administrator position. This is to be the first of several positions that are proposed to go from part time to full time.

11. OTHER BUSINESS

There was no other business brought before the Board.

12. ADJOURNMENT

There being no further business, by Mr. Troxell's motion and Mr. Wise's second, the meeting was adjourned at 9:01pm.

Douglas J. Erickson, Township Secretary