



**PATTON TOWNSHIP
CENTRE COUNTY, PENNSYLVANIA**

100 PATTON PLAZA – STATE COLLEGE, PENNSYLVANIA – 16803

PHONE: 814/234-0271 -- FAX: 814/238-7790

EMAIL: patton@twp.patton.pa.us -- WEB SITE: <http://twp.patton.pa.us>

BOARD OF SUPERVISORS

BOARD MEETING ROOM
PATTON TOWNSHIP MUNICIPAL BUILDING

September 14, 2022 **5:30 PM**

**** AGENDA UPDATED ****

PLEASE NOTE: This meeting will be a hybrid, combining in-person and teleconferencing.

UPDATES include: Item 2 – additional public comments attached; Item 6b – Planning Commission recommendation on LDP; Item 7d – August CPI report attached; Item 9b – Gypsy Moth Egg Mass survey underway; Item 10b – SCBWA Liaison report attached

The Public is welcome to attend via Zoom, but may also provide comments prior to the meeting by email patton@twp.patton.pa.us or phone 814-234-0271 (ask for the Manager). Submit comments by 3:00 pm of the day of the meeting.

The meeting will be broadcast live on C-NET (Comcast Ch 7) and live-streamed at <https://www.youtube.com/user/CNetCentreCounty/live>

Join Zoom Meeting Information: <https://us02web.zoom.us/j/86011838520>
Meeting ID: 860 1183 8520 **or Dial-up: 929-205-6099**

If you are not a Board member or a Patton Township staff member, we request that you turn off your video. If you are an applicant or presenter, please wait to be recognized by the Chair or Manager to turn on your video and speak.

If you are a member of the public and would like to provide comments during Item 2, Public Comments, or on a particular agenda item, please use the “raise hand” feature of the Zoom application. Please wait for the Chair to indicate that it is your opportunity to speak. Public comments will be limited to five minutes per person per item.

To receive Board agendas via email, please email a request to patton@twp.patton.pa.us
Meetings can be live-streamed at <https://www.youtube.com/user/CNetCentreCounty/live>

Please see attachment “Item 1, Meeting Conduct Policy”, for guidance on meeting decorum.

1. CALL TO ORDER

The Chair will call the meeting to order.

- a. **Announcements** – none
- b. **Pledge of Allegiance** – as you are able, please rise and join the Board in the Pledge
- c. **Additions to the Posted Agenda** – the Chair will ask for additional items to be considered for this agenda. Please see attachment “Item 1c; Policy for Adding Items to Published Agendas in Accordance with Act 65 of 2021”

To access attachments to agendas posted on the website, you will need to download or save files to your device, then open with an Adobe application, and click on the attachment’s icon or link. [Adobe Reader](#) is available for free.

2. PUBLIC COMMENTS

Residents/taxpayers may address the Board on issues of interest to the Township. Comments related to specific agenda items should be deferred until that point in the meeting.

If you are attending on Zoom please use the “raise hand” feature of the Zoom application and wait for the Chair to indicate that it is your opportunity to speak.
If you are attending in-person please approach the podium and wait for the Chair to indicate that it is your opportunity to speak.

Public comments received by mail, email, and/or voicemail since the last meeting are included as Item 2. Additional comments are include with the Update as Item 2.1

3. PRESENTATIONS / PUBLIC HEARINGS

a. **Proposed Amendment to the Patton Township Code: Bicycle Parking Requirements for New Developments**

The Planning Commission has recommended approval of changes to Chapters 153 (Subdivision and Land Development) and 175 (Zoning) to require bicycle parking for new developments (excluding single-family residential lots). Please see the agenda for the [July 11th Planning Commission](#) meeting for additional background information.

The proposed changes include:

- The addition of definitions and bicycle parking requirements to Chapter 153 (Subdivision and Land Development or [SALDO](#)) of the Patton Township Code. (See Sections 1 and 2 of attachment Item 3a.1)
- Changes to three sections of Chapter 175 ([Zoning](#)) of the Patton Township Code to provide consistency with the above changes and remove contradictory requirements in the language of the I-99 Interchange Overlay District and [Mixed-Use Overlay District 2](#). (See Sections 3 through 5 of attachment Item 3a.1)

For this item the Board members should:

- Review the materials provided/referenced in the agenda.
- Receive a brief presentation from the Township Engineer or Planner on the proposed regulations
- Open the Public Hearing and solicit public comments.

The agenda materials also include comments from the Centre Regional Planning Agency (Item 3a.2) and the Centre County Office of Planning and Community Development (Item 3a.3).

1) **Public Hearing**

The Public Hearing for the proposed Ordinance 2021-624, Bicycle Parking Requirements for New Developments, has been advertised for this meeting. The Board Chair should convene the Public Hearing and the Board should receive comments from the public regarding the proposed ordinance that is included with the agenda materials (Item 3a.1)

3. PRESENTATIONS / PUBLIC HEARINGS (Continued)

a. Proposed Amendment to the Patton Township Code: Bicycle Parking Requirements for New Developments (Continued)

2) Action Consideration

After the Public Hearing is closed, the Board should consider action, by motion, on Ordinance 2021-624, Bicycle Parking Requirements for New Developments, or identify revisions or further information needed before further consideration. Significant changes to the proposed ordinance would require re-advertising and another public hearing.

b. Expansion of Spin E-Bike Use in Township

At the last meeting the Board approved an agreement with Spin E-bikes to permit their use in portion of the Toftrees Planned Community. At that time Board members asked the Recreation Advisory Committee (RAC) to review expanding the deployment area to the Vairo Boulevard and Park Forest Village communities.

The RAC reviewed mapping of these areas, and others in the Township, and have forwarded a new proposal to the Board for consideration. The RAC recommends (see Item 3b) that the deployment area be greatly expanded to include the area highlighted on the map and generally described as:



- The currently developed portions of Toftrees, including Fox Hollow Road
- Most of the area of the Township bounded by I-99, Gray's Woods Boulevard, Scotia Road and Circleville Road

3. PRESENTATIONS / PUBLIC HEARINGS (Continued)

b. Expansion of Spin E-Bike Use in Township (Continued)

For this item the Board members should:

- Review the materials provided/referenced in the agenda
- Receive a brief presentation from the Project Manager from the Engineering, Planning and Zoning (EPZ) Department
- Solicit additional information as needed/desired from the presenter or other staff
- Solicit public comments
- If the Board concurs with the RAC recommendation, they should consider action, by motion, to approve the expanded deployment area as shown on the mapping included with the September 6th RAC memo.

4. PUBLIC SAFETY

a. Police Update

A copy of the August 2022 Public Safety Report is enclosed (Item 4a). Chief Jolley will review the report and respond to questions.

b. Vehicle Orders for 2023 Delivery

In late August, the Police Chief learned that Ford was going to close order-taking for 2023 vehicles on September 2nd. In anticipation of the Department's needs for next year, Chief Jolley requested from the Manager authorization to order 2 new vehicles -- Ford Interceptor SUVs with 3.3 liter hybrid motors. One unit is a replacement and the other unit would be used for the proposed K-9 team.

The Manager provided authorization and the order was placed with the Laurel Auto Group utilizing the COSTARS purchasing program.

The purchase price for the 2 vehicles will be \$92,160, due upon delivery in 2023. The order can be fully or partially cancelled, if needed, with no penalty.

No action is needed from the Board at this time. Approval of the 2023 Budget, anticipated at the December 14th Board meeting will include the Board's formal approval/endorsement of these orders.

5. PUBLIC WORKS OPERATIONS – No items

6. ENGINEERING, PLANNING, AND ZONING

a. Planning Commission Report

The Board will receive a report from Commission member Brian Rater on the activities of the Planning Commission.

b. Action Items from September Planning Commission Meeting

The Planning Commission provided the following recommendation from their September 12th meeting on the Land Development Plan for J & C Market:

Recommended conditional approval with the following conditions:

- Completion of all items on each comment letter provided by staff
- Include a bicycle rack for 4 short-term bike parking spaces
- Include a set of stairs at the rear of the property to provide pedestrian access to the bus stop and sidewalk along Boal Alley
- Provide lighting on above stairs at 0.5 FC or more
- Determine if paving under dumpster must be concrete
- Relocate trees from around dumpster enclosure to another location on site
- Relocate trees from front of lot (between driveways) to another location on site
- With PennDOT's concurrence, change walkway material behind rumble strips from concrete to asphalt and mark as a pedestrian crossing with "piano keys"

The following information is also found in the Planning Commission agenda (see Attachment item 6b):

FINAL LAND DEVELOPMENT PLAN FOR J & C MARKET – 1869 NORTH ATHERTON STREET

The property owners of 1869 North Atherton Street, formerly Lohr's Garage, are proposing a retail Asian Market, specializing in Asian food goods and other retail goods.

The 0.69-acre parcel is in the C-1 General Commercial Zoning District. The project will entail complete building renovations including a proposed 2,522 square foot building addition over existing gravel concrete and paved areas as well as paving over the existing gravel parking areas and re-striping. The proposed single-story building will be a total of 6,282 square feet.

6. ENGINEERING, PLANNING, AND ZONING (Continued)

b. Action Items from September Planning Commission Meeting (Continued)

The property currently has one entry and one exit driveway connected to the eastbound lane of North Atherton Street. The existing crosswalks will be repainted. A new loading berth will be provided near the southwest side of the parking lot.

The property owner is concurrently working on revisions with PennDOT for the highway occupancy permit (HOP). This includes a modified site entrance as shown on the plans.

Township staff suggests the following approach for tonight's meeting:

1. Presentation of land development plan by the developers and their team
2. Planning Commission comments/questions to the developers and their team
3. Audience comments/questions
4. Staff comments/questions
5. Final comments/questions from Planning Commissioners
6. Planning Commission considers action to recommend approval the plan or identifies additional information required prior to acting.

Recommendation

Staff finds that the plan meets all Township regulations with the following conditions:

1. Completion of all items noted on each comment letter provided by staff.

The following items are included with the agenda:

1. Location Map
2. Patton Township Staff Plan Review Comments
3. Plan Review Comments from COG Refuse and Recycling, PennDOT, CATA, and UAJA
4. 11" x 17" Plan Set

c. **Open Space Program: Agreement to Implement Hamer Foundation Grant Projects**

In 2021 the Hamer Foundation awarded a grant to Patton Township to facilitate the development of a Conservation Plan for the Gray's Woods Preserve (GWP) (acquired in 2017) and the Haugh Family Preserve (HFP), to update the Forestry Stewardship Plan for the HFP, to create an initial Forestry Stewardship Plan for GWP and to begin implementing forestry stewardship projects on GWP.

In the intervening period, the Township developed and entered into a Conservation Easement with Clearwater Conservancy for the GWP, and the Open Space Stewardship Committee, along with consultant Katie Ombalski of Woods and Waters Consulting, have developed a set of Conservation Goals for the Conservation Plan.

6. ENGINEERING, PLANNING, AND ZONING (Continued)

d. **Open Space Program; Agreement to Implement Hamer Foundation Grant Projects (Continued)**

At this time the Township Manager recommends that the Township enter into a professional services agreement with Woods and Waters Consulting to implement the projects to be funded by the grant of \$164,400 and the matching Township funds of \$37,500. The work is scheduled to be completed by the end of 2024. The Agreement is include with the agenda materials as attachment Item 6c.

For this item the Board members should:

- Review the materials provided/referenced in the agenda.
- Receive a brief presentation from the Township Engineer or Planner on the proposed regulations

7. ADMINISTRATION

a. **2022 Legislative Update**

The Manager wishes to address the Board on three recent acts approved by the PA Legislature:

1) **Act 57 of 2022**

Passed in July, the Act (see attachment Item 7a1.1) permits taxing jurisdictions to waive certain penalties and fees related to real estate taxes for first year occupants of new homes who failed to receive tax notice (i.e tax bill). The State College Area School District has adopted these new regulations for the 2023 tax year.

The Manager recommends the Board consider action to adopt Resolution 2022-022 (see attachment Item 7a1.2) to adopt the Act 57 waivers starting in 2023.

2) **Act 41 of 2022 – New Procedure to Resolve an Unclear Boundary Between Municipalities**

The easterly boundary line of Patton Township, with Benner Township, is shown in different locations depending on whose map or website you are viewing. PennDOT maps do not agree with our own maps.

7. ADMINISTRATION (Continued)

a. 2022 Legislative Update (Continued)

2) Act 41 of 2022 – New Procedure to Resolve an Unclear Boundary Between Municipalities

At some point in the past, when Benner took possession of Filmore Road, there was a “gentleman’s agreement” between the Boards of Supervisors of the two Townships that the boundary line would be the westerly right-of-way line of Filmore Road (a Benner road) and the easterly right-of-way line of Purdue Mountain Road (a Patton road.) All land parcels to the east of these roads are taxed and regulated by Benner Township and parcels to the west are taxed and regulated by Patton Township.

PennDOT maps, and most on-line maps, show the boundary as a straight line that runs from the common corner of Patton, Benner, and Union Township in a southerly direction to a point on PSU property that is on the northerly line of College Township. The exact location of this southern point has been lost to history.

Act 41 of 2022 was approved in July and contains a newly authorized procedure that municipalities may use to fix an “unclear boundary.” This new procedure is much more streamlined than the procedure found in the state constitution or the Second Class Township Code.

The Manager suggests we should start a discussion with the Benner Township officials about this opportunity. The Manager will provide a brief overview of the Act (see Item 7a2.1).

3) Act 74 of 2022 – Regulation of Consumer and Display Fireworks by Municipalities

Act 74 of 2022 was approved in July and contains new authorizations for municipalities to enact conditions and limitations on the use of consumer and display fireworks that do not conflict with state law. The law does also expand the permissible hours of use, until 1 am the next day, on New Years Eve and around Independence Day.

If the Board is interested in pursuing additional regulations of this nature, the Manager recommends assigning the task to the Police Chief. The Manager and Police Chief will provide a brief overview of the Act (see Item 7a3.1).

7. ADMINISTRATION (Continued)

b. Real Estate Tax Appeal Settlements for Shaner Hotel Properties

Legal counsel for the Centre County Assessor has provided a series of recommendations (see attached Stipulation Agreements included as Item 7b.1) to the Township Solicitor to enter into settlement agreements on four real estate tax appeals filed on Shaner partnership hotels in the Township: Holiday Inn Express, Springhill Suites, Hampton Inn and Suites and the Fairfield Inn. The settlement amounts are based on independent appraisals done for the Assessment Office and are proposed to avoid the hazards and risks of litigation. In each case the settlement values increase each year from 2021 to 2023, reflecting the recovery of the hospitality industry from the COVID pandemic.

For this item the Board should:

- Review the materials provide with the agenda
- Receive additional comments from the Solicitor
- Solicit other information, as needed, from staff or the Solicitor
- Solicit public input
- Provide direction to the Solicitor for proceeding

c. Review of 2020 Census Results

The “official” population count of the Township is used to calculate our share of Liquid Fuel Taxes (LFT) we receive from the Commonwealth. We receive \$17.81 of LFT funds each year for each resident. These funds are used to repair and maintain our local township streets.

With the release of Census Block level count data, the Centre Region Planning Agency conducted a review of the two areas of Patton Township where a majority of the Penn State undergraduate students reside – Vairo Boulevard and and the Toftrees Planned Community. A comparison of the 2010 Census count and the 2020 Census count for these areas is included as attachment Item 7c.1.

It is highly likely that an undercount occurred in these areas in 2020:

In Toftrees, it appears the 2020 Census count does include a significant number of new residents (+1550) and the return rate (i.e. % Occupied) was comparable from 2010 to 2020. This analysis does not indicate that a recount would “find” any significant number of additional residents.

7. ADMINISTRATION (Continued)

c. **Review of 2020 Census Results (Continued)**

On Vairo, the 2020 return rate, as expressed as the “% Occupied” is significantly below the 2010 rate leading to an obvious undercount. However, it does not appear that a recount would “find” any more than about 1000 additional residents.

If a recount, to potentially occur in 2023 or 2024, found an additional 1000 residents the Township could receive an additional \$106,860 in LFT revenues between 2025 and 2030. Any recount effort has to be funded by the Township – the potential cost is unknown at this time.

The Manager will briefly review this information with the Board and continue work to estimate the cost of conducting a recount.

d. **Pay Adjustments for Non-uniform Employees**

Based on the high consumer inflation rates and the very tight labor market, especially for Commercial Drivers License (CDL) holders, the Township Manager and Director of Finance and Administration are proposing a mid-year pay adjustment and/or cost-of-living adjustment (COLA) for most Township employees.

Township employees normally are granted a COLA increase on January 1st of each year, based on the Consumer Price Index (CPI) year-over-year change for August which is reported in mid-September. Merit increases are awarded to employees on their employment anniversary date.

Employees receiving this mid-year COLA increase will only receive a reduced COLA on January 1st representing the difference in the CPI increase as described above and the mid-year adjustment.

For employees in the lower tier of the pay scale, which includes most of those with CDLs, the increase will consist of a 6.5% market-rate adjustment and a 4.0% cost-of-living adjustment. (Percentages are approximates)

For employees in the next higher tier of the pay scale, the increase will consist of a 5.2% market-rate adjustment and a 3.9% cost-of-living adjustment. (Percentages are approximates)

7. ADMINISTRATION (Continued)

d. Pay Adjustments for Non-uniform Employees (Continued)

For employees in the next higher tier of the pay scale, the increase consists of a 3.9% market-rate adjustment and a 3.9% cost-of-living adjustment. (Percentages are approximates)

For employees in the next higher tier of the pay scale, the increase consists of a 2.6% market-rate adjustment and a 3.9% cost-of-living adjustment. (Percentages are approximates)

For employees in the highest tier of the pay scale, the increase consists of a 3.8% cost-of-living adjustment and no market-rate adjustment. (Percentages are approximates)

EXAMPLE: An employee currently earning \$19.16 per hour will be provided a market rate increase of about \$1.26 per hour (6.5%) and a mid-year COLA increase of \$0.76 per hour (3.9%). The employee would get an additional COLA adjustment of 2.4% on January 1st that would be the difference between the August 2022 CPI change (6.3% - See Item 7d.2) and the mid-year increase of 3.9%. Merit increases would still be provided on the employee's anniversary date.

The Manager and Director of Finance and Administration will review the planned increases for the Board. Details on the proposed increases are included with Item 7d of the agenda materials. If approved, the increase would go into effect on October 3rd.

If the Board concurs with this recommendation, they should consider action, by motion, to endorse the plan.

e. Resolutions for Pennsylvania Municipal League (PML) Summit

The proposed resolutions for the upcoming League Summit are included with the agenda materials. The Board will be asked to provide a final recommendation to the voting delegate, Ms. Robb, at the next meeting on September 28th.

For this initial review, the Board members should review the proposed resolution and provide questions and/or proposed amendments.

No formal action is required at this meeting.

7. ADMINISTRATION (Continued)

f. Centre County Solid Waste Management Plan

The Centre County Recycling and Refuse Authority (CCRRA) has prepared a Solid Waste Management Plan Substantial Revision. The state Department of Environmental Protection (DEP) requires providing the Plan to all Centre County Municipalities for review. The Plan can be found at the link below. In addition, a link to submit comments on the Plan is also provided below.

The CCRRA notes that “no response (regarding the plan) will be considered a positive response by DEP Guidelines, so if you do not have any comments, there is nothing further you need to do.”

[LINK TO PLAN](#)

[LINK TO COMMENTS](#)

8. 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. Public Safety

1) Appointment to Code Appeals Board

b. Public Works Operations – no items

c. Engineering, Planning, & Zoning – no items

d. Administration

1) Minutes: August 17, 2022

2) Voucher Report

3) Receive Minimum Municipal Obligation Memo for Pension Funds

9. MANAGER'S REPORT

The Manager will report on current matters, including:

- a. Correspondence
 - [1] Development Update – with PC agenda
 - [2] UAJA project permit notice (enclosed)
- b. Announcements
 - [1] PFAs Update from DEP (enclosed)
 - [2] Fall Newsletter distributed (enclosed)
 - [3] Drought Watch in Centre County (enclosed)
 - [4] **Gypsy Moth Egg Mass Survey Underway (enclosed)**
- c. Upcoming Events
 - [1] Township Office Schedule
 - Veterans Day, Nov 11, Open
 - Thanksgiving, Nov 24 & 25, Closed
 - Traditional Deer Season Opening, Nov 28, Open
 - Christmas, Dec 26, Closed
 - [2] Sept 17, Safety Fair, 10am – 3 pm, Colonnade
 - [3] Oct 6 to 9 -- PA Municipal League Annual Summit, Pittsburgh
 - [4] Oct 17 – 21 [Bulk Waste Collection](#)
 - [5] Oct 25 -- PSATS Regional (North Central) Conference, Boalsburg
 - [6] Oct 31 – Trick or Treat, 6 – 8 pm

10. COMMITTEE REPORTS

Board members should report on the meeting(s) of the COG and other committee(s) on which they serve, including:

- a. Council of Governments Committees (click on [highlighted link](#) to access agenda)

Joint Finance and Facilities, Aug 18 – Trevino and Whitman – see 10a.1
Executive, Aug 18 – Robb
Parks Governance, Aug 24 -- Trevino
Land Use and Community Infrastructure, Sept 1 – Abrams
Facilities, Sept 6 – Whitman
Human Resources, Sept 7 – Magruder
Finance, Sept 8, Trevino -- see 10a.7
Parks Capital, Sept 8 – Magruder
Climate Action and Sustainability, Sept 12 – Whitman
Public Safety, Sept 13 – Robb

Future Meetings:

Executive, Sept 22 – Robb
Parks Governance, Sept 29 – Trevino
Budget Review #1, Sept 29

10. COMMITTEE REPORTS

- b. State College Borough Water Authority, (3rd Thursday) – report enclosed
- c. Centre Area Cable Consortium, as needed – Trevino (did not meet)
- d. Spring Creek Watershed Commission, – Mason – (report enclosed)
- e. Centre County Metropolitan Planning Org. – Sept 27, Abrams, Robb Alt.
- f. Centre County Airport Authority, (4th Thursday) Downsborough – Report enclosed
- g. Solar Power Purchase Working Group, – Whitman, Pegher Alt. --

11. OTHER BUSINESS (see Item 1.c regarding requirements for adding action items to the agenda)

12. ADJOURN

13. (reserved)

14. FOR YOUR INFORMATION

Enclosed: John Patton info from CCHS
DEP Guide to Maintaining Streams in your Community

Upcoming Meetings:

Wed., Sept 28	Board of Supervisors
Thurs., Sept 29	General Forum
Wed., Oct 12	Board of Supervisors
Mon., Oct 24	General Forum
Wed., Oct 26	Board of Supervisors

Board Work Tasks currently in-process

Human Relations Commission (2021) – establish local body
Policing and Communities of Color (2021) – report review and adopt recommendations
D.E.I. Hiring Principle (2022) – continue work on developing policy
Regulation of Single Use Plastics (i.e. Bags, straws)
Broadband Expansion – on hold

14.FOR YOUR INFORMATION (Continued)

Pending Board Work Tasks

As ranked in this order with relative score (0-15);

- | | |
|---|----|
| 1. Regulation of Single Use Plastics (i.e Bags, straws) | 13 |
| 2. Regulating Special Events on Public Property | 11 |
| 3. Open Space Preservation Options | 9 |
| 4. Home Occupations – potential change by Ord. (2-no) | 8 |
| 5. Stargazing Permits for Individuals (2-no) | 7 |
| 6. Authorities dissolution | 7 |

Helpful Links

[Code of Patton Township](#) – the official laws of Patton Township including Zoning (Chapter 175) and Subdivision and Land Development (Chapter 153) regulations

[Second Class Township Code](#) – state law establishing our form of government and authorizing the Board of Supervisors to act on included matters

[Municipalities Planning Code](#) – state law unpinning the local use of zoning and subdivision/land development regulations

[Sunshine Act](#)

[Right-to-Know Law](#)

[Office of Open Records](#)