

ATTENDANCE:

BOARD Elliot Abrams, Chair
Sultan Magruder, Supervisor
Daniel Treviño, Supervisor
Betsy Whitman, Supervisor

STAFF Amy Farkas, Township Manager
Betsy Dupuis, Solicitor
Nicole Harter, Zoning Officer (via Zoom)
Tyler Jolley, Chief of Police
Lawrence Pegher, Finance Director
Ken Soder, Director of Public Works Operations
Leslie Warriner, CRPA Planner
Susan Wheeler, Project Manager (via Zoom)

ABSENT Pam Robb, Vice-Chair

AUDIENCE C-Net
Amy Werner, Housing Transitions
Larry Parko, Resident
Joan Bouchard, Resident

Kathy Derr, Resident
Troy Knecht, HFL Corp
Feder Siner, Resident
Steve Haffner, Resident

1. CALL TO ORDER

Mr. Abrams, Chair, called to order the September 27, 2023 Board of Supervisor’s Meeting at 5:30 PM.

- a. Announcements** – There were no announcements.
- b. Pledge of Allegiance**
- c. Additions to the Posted Agenda** – There were no additions to the posted agenda.

2. PUBLIC COMMENTS

There were no public comments.

3. PRESENTATIONS / PUBLIC HEARINGS

a. 160 Clearview Avenue Rezoning Request:

Ms. Warriner stated that Patton Township received a request from HFL Corporation to rezone 160 West Clearview Avenue from R-2 Low-Density Residential District to R-3 Medium-Density Residential District. The property is currently owned by HFL Corporation. They intend to develop a 31-unit, 55+ affordable housing apartment complex on the property.

The requested change would require an amendment to § 175-8 Zoning Map.

At the June 21st, 2023 BOS meeting, the Supervisors referred the request to the Planning Commission for analysis and recommendation. At the July 10th, 2023 Planning Commission meeting, the Planning Commission referred the request to Staff to complete an analysis for the rezoning request.

3. PRESENTATIONS / PUBLIC HEARINGS (Continued)

a. 160 Clearview Avenue Rezoning Request: (Continued)

The request to consider rezoning 160 Clearview Avenue should take the following into consideration:

- public purpose
- consistency with adopted plans and policies (ex. Comprehensive Plan)
- existing conditions, context, and impacts of keeping the existing zoning vs. the proposed zoning
- impacts to the community, township, and county

Rezoning impacts must be evaluated in their entirety and should be considered with all potential outcomes. Once a property is rezoned, the owner can propose any use or combination of uses permitted in the underlying zoning district, regardless of what was suggested, presented, or discussed during the rezoning process.

The Planning Commission discussed the request at their August and September meetings. A number of residents from the Clearview Avenue area attended those meetings and voiced concerns about traffic, stormwater runoff and a change to the character of their neighborhood. The Planning Commission discussed Staff's idea of doing a small area plan in that area. The goal of a small area plan is to do long range planning for a localized area. The small area plan process engages residents in the area and solicits their input on what they want to see the area look like. Given the amount of changes along the Waddle Road corridor and that this area seems to be in transition, a small area plan would help ensure the Township's planning goals are met. The Planning Commission positively received the idea.

The Planning Commission voted 5-2 to recommend approval of the request at their September meeting.

It is important to note the process involved in a rezoning. There is no specific timeline associated with the request, so the Board can take as much time as it needs to vet the request and to make a decision. If the Board agrees with the Planning Commission's recommendation, the request will then move to the Centre Region Planning Commission for review and recommendation. If the Centre Region Planning Commission recommends approval, it then comes back to the Board for official action. The Township must follow advertising requirements from the Pennsylvania Municipal Planning Code, meaning final action on this item would likely not occur until the first quarter of next year.

A copy of the request and the rezoning analysis prepared by Leslie Warriner was included in the agenda packet.

Ms. Derr stated that she looked at other affordable housing buildings that HFL has in the area and that the buildings have retail stores in the lower level of the buildings. She asked if this would be allowed. Ms. Farkas answered that R-3 is for residential usage only so there will be no retail.

Ms. Bouchard stated that she likes the idea of creating more attainable housing and that if this is a 55+ building she would like to see less parking spaces and more bike parking.

Mr. Parko asked that this request be tabled pending the studies and their conclusions.

Mr. Magruder asked why we didn't do the small area plan first. Ms. Farkas stated that if we would do the small area plan it will take 9-12 months and will delay the project.

3. PRESENTATIONS / PUBLIC HEARINGS (Continued)

a. 160 Clearview Avenue Rezoning Request: (Continued)

Mr. Treviño presented an analysis of the changes to the Waddle Road corridor through the years. He stated that he would like to keep the property residential.

Ms. Whitman agreed with Mr. Treviño and stated that she likes the idea of the small area plan.

Ms. Whitman moved to support the rezoning request and to move it to the Centre Region Planning Commission for further review. Seconded by Mr. Treviño, the motion passed 4-0.

b. Halfmoon Township Zoning Officer Agreement:

Ms. Farkas stated that the Board tabled action on this item at the September 13th meeting.

The Township has been providing zoning services to Halfmoon Township for a number of years. With the agreement expiring at the end of this year, Staff feels it may be prudent to revisit the agreement, particularly in light of issues Zoning Officer Nicole Harter has been having with elected officials trying to interfere with her decisions and her work. Staff is concerned that with continued interference from the elected officials, Ms. Harter's authority will be undermined and she may end up having to participate in lawsuits related to actions the Board has taken.

At last month's meeting, the Board agreed to put this item on the September agenda for discussion. Since that meeting, Halfmoon staff reached out to ask that we reconsider leaving the agreement and expressed a desire to find a way to continue the working relationship. The Township is losing its planner in mid September, so if Patton Township is to pull out at the end of the year, they will be left with no planning and zoning staff.

Currently, Ms. Harter bills for her time spent on the phone, writing emails, correspondence, issuing permits, performing inspections, attendance at Planning Commission meetings and meeting with residents for potential plans of projects. The Township is also currently rewriting its code and has assigned that duty to Ms. Harter, Halfmoon's clerk and the planner. The Halfmoon Township Board of Supervisors requested that staff meet for 3 hours a week to work on this rewrite.

After speaking with Ms. Harter, we came up with a counter proposal that preserves some service to Halfmoon Township without overtaxing Ms. Harter's time. We suggest the following:

(1) Ms. Harter no longer be involved with the code rewrite, as she does not feel she will have the time to commit to it.

(2) Patton Township set a cap on the number of hours provided to Halfmoon Township per week. We suggest that we provide a minimum of 4 hours per week with a maximum of 6 hours each week. This will give Ms. Harter time to provide services for communications, permitting, inspections and attendance at Planning Commission meetings.

(3) Duties handled by the Halfmoon Township Planner will not be transferred to Ms. Harter. These duties include writing the Planning Commission agenda each month.

A copy of the current agreement was included in the agenda packet.

3. PRESENTATIONS / PUBLIC HEARINGS (Continued)

b. Halfmoon Township Zoning Officer Agreement:

Ms. Dupuis stated that the Township is responsible for the Zoning Officer.

Mr. Treviño stated that we are putting our employee in a difficult and stressful situation. He stated that she has enough work for Patton Township and does not need to add on more duties or stress.

Ms. Whitman stated that she would like to hear from Ms. Harter.

Ms. Harter stated that she does not have an issue being the Halfmoon Township Zoning Officer, her issue is being put in the position where the Halfmoon Township Board members are giving out wrong information that should be coming from the Zoning Officer.

Ms. Dupuis stated that the involvement of Board of Supervisors with smaller townships is not uncommon even if it is not appropriate.

Mr. Magruder stated that we have needs here in Patton Township and wondered how this relationship is benefitting Patton Township. He stated the lack of communication from the Board tells him that there is a lack of seriousness in maintaining this relationship.

Ms. Bouchard asked if Halfmoon Township reimburses Patton Township for the zoning officer services. Mr. Treviño answered yes.

Ms. Bouchard stated that she is against keeping the contract.

Mr. Treviño moved to not renew the Halfmoon Township Zoning Officer Agreement. Seconded by Mr. Magruder, the motion passed 3-1, with Supervisor Whitman voting against the motion.

The Board took a brief recess.

4. PUBLIC SAFETY

a. Temporary Use Permit Request & Noise Waiver Application– Housing Transitions Boots, Band And Barn - 4082 BUFFALO RUN ROAD

Ms. Farkas stated that Patton Township has received a temporary use request from Housing Transitions to hold their Boots, Band and Barn event on Saturday, October 7, 2023 from 6:00 pm to 10:00 pm at 4082 Buffalo Run Road, Tax Parcel 18-001-,022A,0000-. This an 11.70 acre parcel located within the A-1 Rural District adjacent to the intersection of Lower Julian Pike.

Housing Transitions is a local, non-profit organization that provides housing programs and supportive services to those in need throughout Centre County and strives to end homelessness.

The Boots, Band and Barn event is Housing Transitions largest fundraiser. The event is anticipating 150-200 people in attendance with a restaurant catering the event, a live and silent auction, a band, line dancing, and a mechanical bull. Port-a-potties will be provided and parking for the event is being proposed in front of the two barns, with traffic entering the event close to the intersection of Lower Julian Pike.

4. PUBLIC SAFETY (Continued)

a. Temporary Use Permit Request & Noise Waiver Application– Housing Transitions Boots, Band And Barn - 4082 BUFFALO RUN ROAD (Continued)

Along with the temporary use request, the applicant has also submitted a noise waiver application, as the event will end after 7:00 pm.

Township staff has reviewed the included/referenced agenda items and is concerned that there may not be adequate parking for the event and asks that a condition be placed on the temporary use request, if approved, that there will be no parking of vehicles along Buffalo Run Road.

Mr. Treviño stated that the Noise Waiver policy is to give 60 days notice.

Ms. Werner from Housing Transitions stated that all neighbors were invited to the event so everyone is aware of the event.

Mr. Treviño stated he is concerned about parking if the field is muddy. Mr. Haffner stated that he is confident that the property can hold up to whatever for this event.

Mr. Magruder moved to approve the Noise Waiver and Temporary Use Permit – Housing Transitions Boots, Band and Barn – 4082 Buffalo Run Road. Seconded by Ms. Whitman, the motion passed 4-0.

5. PUBLIC WORKS OPERATIONS – no items

6. ENGINEERING, PLANNING & ZONING (EPZ) – no items

7. ADMINISTRATION

a. Board Input for the 2024-2028 Capital Improvement Plan:

Ms. Farkas stated that Township staff began working on the next five-year Capital Improvement Plan (CIP) in August. The current 2023-2027 plan can be found online here: <https://twp.patton.pa.us/ArchiveCenter/ViewFile/Item/69>. It is also attached to the digital version of the agenda packet.

The CIP is a tool that assists in planning for future projects by providing:

- A forum for proposing major capital projects and significant operational increases (e.g., staff increases or COG programmatic changes) several years in advance of implementation
- A means for establishing a process for evaluating each project’s justification and benefits
- A process for prioritizing projects in the face of limited funding and
- A platform for evaluating financing alternatives (i.e., bonds/loans, pay-as-you-go, or wait for a grant)

Staff requests that Board members provide input/guidance towards potential new projects or existing projects in the plan.

This item is for information only. No Board action is required.

7. **ADMINISTRATION (Continued)**

b. Resolutions for Pennsylvania Municipal League (PML) Summit:

Ms. Farkas stated that the proposed resolutions for the upcoming League Summit were included with the agenda materials. The Board is asked to provide a final recommendation to the voting delegate, Ms. Whitman, on the proposed resolutions.

The Board should provide directions to Ms. Whitman on the resolutions.

c. Approving Additional Legal Fees for the Solar Power Purchasing Agreement:

Mr. Pegher stated that the Solar Power Purchasing Agreement project management team has asked each partner to consider providing additional funding for unexpected legal fees for the project. The additional legal fees are \$30,000 and were necessary for the review of the contract agreement. Patton Township's share of those fees would be no more than \$500.

Mr. Treviño moved to provide no more than \$500 in additional funding for legal fees for the Solar Power Purchasing Agreement. Seconded by Mr. Magruder, the motion passed 4-0.

d. Local Planning Services:

Ms. Farkas stated at the September 13th meeting, the Board voted to give its notice to withdraw from the local planning program effective January 1, 2025 and to reduce the amount of planning services it purchases in 2024 from 50 percent to 40 percent. A memo was sent to the COG after the meeting, notifying them of the Board's action.

COG Executive Director Eric Norenberg sent a letter to the Board, asking that they amend its motion to stay in the planning program at the 50 percent level in 2024 and to "utilize the established process of having funds returned in the next annual budget." Mr. Norenberg also referenced consistency with the COG Articles of Agreement.

Staff sent the Articles of Agreement and Mr. Norenberg's letter to the Solicitor for review. Staff has also asked for documentation of how Patton's move from purchasing 100 percent local planning time to 50 percent local planning time was handled, as we would like to see consistency applied.

It should also be noted that in the past, municipalities were able to change the level of planning services without needing to provide a year's notice. This was particularly the case when municipalities chose to increase the amount of services they were purchasing.

A copy of Mr. Norenberg's letter and the COG Articles of Agreement were included in the agenda packet.

Mr. Pegher stated that he is not in favor of giving COG money to let it sit in their bank account.

Ms. Farkas spoke to the Harris Township Manager, who indicated they are looking at reducing their planning time from 40 percent to 25 percent.

The Board directed staff to write a letter to COG, stating that the Township will not be increasing its planning time in 2024 and will be purchasing 40 percent.

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 available to the public on-line and at the sign-in table. At the request of any 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 – no items

b. Public Works Operations – no items

c. Engineering, Planning, & Zoning

1) Resolution 2023-16: Accepting the Deed of Dedication for Jack Pine Way

The developer of the Grays Woods Planned community is ready to dedicate Jack Pine Way to the Township. The Engineer reviewed the legal description and the road and confirmed it was ready for dedication.

2) Resolution 2023-17: Accepting the Deed of Dedication for Veery Way

The developer of the Grays Woods Planned community is ready to dedicate Veery Way to the Township. The Engineer reviewed the legal description and the road and confirmed it was ready for dedication.

3) Resolution 2023-18: Accepting the Deed of Dedication for Wood Thrush Way

The developer of the Grays Woods Planned community is ready to dedicate Wood Thrush Way to the Township. The Engineer reviewed the legal description and the road and confirmed it was ready for dedication.

4) Award Contract for Oak Wilt Injections

The Zoning Officer solicited bids for the subject work in the Stevenson Road area and recommends award of the contract to Bartlett Tree Experts, for \$10.00 per diameter inch (see attached memo).

Ms. Farkas stated that the low bidder was Delaware Environmental Construction Services at \$8.99 per diameter inch and that they transposed a number in their license information. Staff verified they were qualified per the bid instructions and recommended award of the contract to Delaware Environmental Construction Services at \$8.99 per diameter inch.

She stated that Mr. Magruder asked if we could ask Cutting Edge to provide the per diameter inch instead of a lump sum. She stated that per Pennsylvania Bidding Law they did not follow the bid guideline and that we can look at adding more detail to the bid package next year but that we can't ask for additional information now.

d. Administration

1) Minutes – September 13, 2023

The draft minutes from the September 13, 2023 meeting are included with agenda materials. Board members having questions or changes should contact the Township Manager prior to the meeting so revisions can be included in a supplemental distribution.

It is recommended that the Board approve the subject minutes.

Ms. Whitman moved to approve the Consent Agenda. Seconded by Mr. Treviño, the motion passed 4-0.

9. MANAGER'S REPORT

Ms. Farkas reported on current items, including the following:

- a. Administration:
 - (1) Atherton Street Signal Coordination Project
 - (2) Airport Authority Representative
Ms. Farkas stated that Mr. Downsborough is stepping down from the Board due to health issues and that Greg Scott is interested in the position. Mr. Trevino stated that he believes it is not appropriate for Mr. Scott to represent Patton Township since he is executive director for CBICC. Mr. Magruder volunteered to be the Airport Authority Representative. Ms. Farkas will do more research on membership to this authority.
 - (3) CCATO Fall Convention
 - (4) CBICC Economic Development Council
 - (5) Employee Appreciation Event
 - (6) PML Board
- b. Engineering/Planning/Zoning:
 - (1) Zoning Hearing Board Update
 - (2) Open Space Tour
- c. Parks:
 - (1) Bernel Road Park Phases 2A/2B Construction Update
 - (2) Bernel Road Park Disc Golf Renovations
 - (3) Scotia Road Shared Use Path Connector Right of Way Acquisition
 - (4) Douglas Drive Connector
 - (5) Ghaner Drive Parklet
 - (6) Oakwood Park Play Equipment Replacement
 - (7) RAC Fall Parks Tour

A full written report was included in the packet.

10. COMMITTEE REPORTS

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

- a. Council of Governments Committees:
 - Human Resources Committee – Magruder – September 6th - cancelled
 - Land Use and Community Infrastructure Committee – Abrams – September 7th
 - Public Safety Committee – Robb – September 12th - cancelled
 - Finance & Facilities Committee – Trevino & Whitman – September 28th (Finance); September 12th (Facilities) - cancelled
 - Executive Committee – Abrams – September 19th
 - Parks & Rec Governance – Trevino – September 27th
 - Climate Action and Sustainability Committee – Whitman – September 11th

- b. State College Borough Water Authority
- c. Centre Area Cable Consortium, Trevino
- d. Spring Creek Watershed Commission, – Mason
- e. Centre County Metropolitan Planning Org. – Abrams, Robb Alt.
- f. Centre County Airport Authority, Downsborough
- g. Solar Power Purchase Working Group, – Whitman, Pegher Alt. – August 30th
- h. Centre County MPO Technical Committee – Erickson – September 6th (report enclosed)

11. OTHER BUSINESS

There was no other business.

12. ADJOURN

Ms. Whitman moved to adjourn the September 27, 2023 Board of Supervisors Meeting at PM. Seconded by Mr. Magruder, the motion passed, 4-0.

Amy Farkas, Township Secretary