

**ATTENDANCE:**

BOARD	Bryce Boyer, Vice-Chair George Downsborough, Jr., Supervisor Jeff Luck, Supervisor Walt Wise, Supervisor
STAFF	Doug Erickson, Township Manager Brent Brubaker, Township Engineer John Petrick, Chief of Police Kim Wyatt, Finance Director Betsy Dupuis, Solicitor Eric Vorwald, Centre Regional Planning Agency
ABSENT	Elliot Abrams, Chair
AUDIENCE	C-NET (3) Cynthia Hahn, C-NET Louwana Oliva, CATA Kimberly Fragola, CATA Brad Chovit, Resident Kathleen Chovit, Resident Joe Soloski, CATA Lynda Crow, CRBAC Brian Dempsey, CRBAC Tom Songer, Torron Group Michael Lee, Developer

**1. CALL TO ORDER**

The May 14, 2014 Patton Township Board of Supervisors meeting held at the Township Municipal Building was called to order at 7:00 PM by Vice-Chair Bryce Boyer.

**2. APPROVAL OF MINUTES**

Mr. Luck moved to approve the April 23, 2014 meeting minutes. Seconded by Mr. Downsborough, the motion passed 4-0.

**3. PUBLIC COMMENTS**

There were no public comments.

**4. PUBLIC HEARING: Proposed Regulations to Add Private Recreation Facilities as a Permitted Use in the Planned Airport Zoning District**

Mr. Erickson stated that the following is from the March 12, 2014 Board agenda:

A party had expressed some interest in the vacant property at the intersection of Fox Hill Road and Bernel Road (the former Second Mile parcel) in the Planned Airport District (PAD) with the hopes of constructing a commercial indoor recreation complex that would serve a wide variety of youth and adult sports.

The regulation of land uses in the PAD varies from other zoning districts in the Township. Instead of permitting the entire general class of commercial or industrial uses, the PAD permits specific types of these uses, and in some cases prohibits specific uses. Since the inception of the District in 1991, the use regulations in the PAD have been interpreted to mean that only the uses specifically listed on the "Land Uses Permitted" table for the PAD are allowed. If a proposed use (like indoor recreation) cannot

4. **PUBLIC HEARING: Proposed Regulations to Add Private Recreation Facilities as a Permitted Use in the Planned Airport Zoning District (CONTINUED)**

be found on the list, the Zoning Officer would deem it as a non-permitted use. Recall also that uses are usually permitted in some sub-districts in the PAD and prohibited in others.

This has led to prior requests to amend the use regulations. In 2004, "Day Care Centers" was added to the Land Uses Permitted table; in 2008 "Youth Development and Activity Center" was added to the same table.

A letter requesting consideration of this request, from Mr. Michael J. Lee, is also included with the agenda materials. Mr. Lee briefly outlines some of the proposed facilities that might be developed.

The Planning Commission has recommended amending the PAD Land Uses Permitted Table (included with the agenda materials) to include the category of Private Recreation Facilities as a permitted use in the Mixed Use and Non-Residential subareas and to include the following definition:

*PRIVATE RECREATION FACILITIES – Privately owned or operated facilities that provide active or passive outlets for recreation. Activities may be located indoors or outdoors.*

The agenda materials contain a response letter from the Centre Regional Planning Agency noting that the CRPC was supportive of the amendment and offering one comment questioning if 'shooting ranges' were permitted as a use under Private Recreation Facility in close proximity to an airport. The agenda materials also contain a response letter from the Centre County Office of Planning and Community Development.

a. **Public Hearing**

The Public Hearing for the proposed ordinance has been advertised for this meeting. The Board Chair should convene the Public Hearing and receive comments regarding the proposed regulations to include the category of Private Recreation Facilities as a permitted use in the Mixed Use and Non-Residential subareas of the Planned Airport District.

The Board convened the Proposed Regulations to Add Private Recreation Facilities as a Permitted Use in Planned Airport Zoning District Public Hearing at 7:04 PM.

Mr. Erickson stated that Mr. Jim Crust that lives in the area stated he is very supportive of the proposed regulations to include the category of Private Recreation Facilities as a permitted use in the Mixed Use and Non-Residential subareas of the Planned Airport District.

Mr. Luck moved to close the Proposed Regulations to Add Private Recreation Facilities as a Permitted Use in Planned Airport Zoning District Public Hearing at 7:07 PM. Seconded by Mr. Downsborough, the motion passed 4-0.

b. **Action Consideration**

After the Public Hearing is closed, the Board should consider action on the proposed regulations to include the category of Private Recreation Facilities as a permitted use in the Mixed Use and Non-Residential subareas of the Planned Airport District or identify revisions or further information needed before further consideration. Substantive revisions will require re-advertisement and a new Public Hearing.

Mr. Luck move to approve Proposed Regulations to Add Private Recreation Facilities as a Permitted Use in Planned Airport Zoning District. Seconded by Mr. Downsborough, the motion passed 4-0.

5. **ITEMS OF GENERAL INTEREST**

a. **Centre Region Bicycle Advisory Committee Presentation**

Mr. Dempsey, Chair of the CRBAC and Vice-president for CRBC, stated that the Centre Region became a certified Bicycle Friendly Community a year ago. One of the recommendations from the certifying organization, the League of American Bicyclists, was to form a bicycle advisory committee. In collaboration with Council of Governments Transportation and Land Use Committee, the Centre Regional Planning Agency (CRPA), and with the help of staff from the municipalities, the Centre Region Bicycle Advisory Committee (CRBAC) was recently formed. CRBAC members come from the Centre Region Bicycle Coalition (CRBC), the Nittany Mountain Biking Association (NMBA), the State College Cycling Club, the Pennsylvania Department of Transportation, State College Area School District, CRPA, PSU, CATA, and local police forces.

Mr. Dempsey thanked the Board and Township staff for their past help with many projects.

b. **C-NET Report**

Ms. Hahn stated that C-NET celebrated their 25<sup>th</sup> anniversary in the summer of 2013 and that there were 499 first run programs and 56 other programs that were received from outside sources in 2013. She stated that the website was redesigned in 2013 and that C-NET is looking into live streaming and converting to HD. She stated that in 2013 there were 37.25 programs which were mostly Board of Supervisors Meetings and Planning Commission Meeting along with 55 bulletin board messages which would be a total of 42.75 programs that were sponsored by Patton Township in 2013.

Mr. Luck asked if C-NET was looking into running outsource content. Ms. Hahn stated that an outside program is sponsored at 0.25 of a program and will need to get verification that allows C-NET to run the program.

c. **Centre Area Transportation Authority (CATA) Budget**

At the April meeting of the Centre Region Council of Governments (COG) General Forum the proposed 2014/2015 CATA Budget was received and referred it to the participating municipalities for review and comment. Municipal comments are requested by May 15 for consideration by the COG Finance Committee. Final adoption of the CATA budget is scheduled for the June Board meeting.

To view the CATA budget online [CLICK HERE](http://www.catabus.com/AboutCATA/Budget/Budgets/FY20142015DRAFTBudget.pdf) or go to <http://www.catabus.com/AboutCATA/Budget/Budgets/FY20142015DRAFTBudget.pdf>

The CATA budget totals, total municipal contributions, and the Patton Township shares of the proposed budget are as follows:

<b>Operating Budget</b>	<u>2013/2014 Estimated Receipts</u>	<u>2014/2015 Anticipated Receipts</u>
Total CATA Operating	\$14,368,250	\$15,408,306
Total Municipal Contributions	\$ 500,542	\$ 515,558
Patton Township Contribution	\$ 75,682	\$ 75,981

5. **ITEMS OF GENERAL INTEREST (CONTINUED)**

c. **Centre Area Transportation Authority (CATA) Budget (CONTINUED)**  
**Capital Budget**

Total CATA Capital	\$ 7,500,000	\$20,373,000
Total Municipal Contributions	\$ 75,000	\$ 100,000
Patton Township Contribution	\$ 11,340	\$ 14,738

CATA representatives will be available to answer any questions. The Board should identify any proposed changes or comments to be forwarded to the COG Finance Committee for consideration.

Ms. Oliva stated that this year Patton Township will see an increase of \$299 on the operations side of the budget due to increase of route mileage and due to a change in handling of public private partnership. She stated on the capital side of the budget, Patton Township will see an increase of \$3,398 in the Capital Budget due to a large building project.

Mr. Downsborough asked if there are more capital projects that will be happening in the future. Ms. Oliva stated that the fleet age is getting old and they are pursuing funds to replace 10 buses.

6. **PUBLIC WORKS**

a. **Circleville Road Bikeway; Right-of-Way Acquisition Services Agreement**

Mr. Erickson stated that Public Works staff has requested and received a proposal from Interstate Acquisition Services (IAS) to undertake the process of acquiring the required right-of-way for the Bikeway Project in accordance with Federal guidelines. IAS is a PennDOT-approved firm with experience with federally funded projects and a local branch office – their head office is in Pittsburgh. IAS has also worked successfully with other municipalities in the Centre Region for right-of-way acquisition services.

The ROW acquisition process will take 2-4 months and early in that process the firm will gauge the interest/disinterest of any affected property owners and will relay this information to the Township as the process proceeds so that decisions may be made should any one of the affected property owners not want to participate. Acquisition will be sought for both Phase I and Phase II of the project.

The proposal from IAS is for \$14,955.68 to perform all their professional services. In addition to that, monies will be required to actually purchase the ROW and that dollar figure is unknown at this point. The cost for both of these is to be borne by the Township and is not covered under the grant funding.

Mr. Downsborough asked if this was a competitive bid. Mr. Erickson answered no, it is an agreement for professional services that does not require bidding.

Mr. Luck moved to approve the Circleville Road Bikeway; Right-of-Way Acquisition Services Agreement. Seconded by Mr. Downsborough, the motion passed 4-0.

6. **PUBLIC WORKS (CONTINUED)**

b. **Fire Hydrants and Cul-de-sacs**

Mr. Erickson stated that the April 23, 2014 meeting, the Board accepted the Planning Commission recommendation to reduce the spacing between fire hydrants on new cul-de-sac streets in the Township. Included with the agenda materials is a "red-line" markup showing the changes proposed for Section 156-36 of the Subdivision and Land Development regulations of the Code of Patton Township. a proposed ordinance, which is the enacting legislation to amend the Code, is also included with the agenda materials.

The Board is asked to review these materials and concur in proceeding to a Public Hearing on these matters tentatively scheduled for June 11, 2014.

The Board considered a request from S and A Homes to expand the language of subsection C.(1)(a) to make reference to the spacing limits included in subsection (f). The Board determined the requested change did not add any substance to the regulations, and the legislative intent of each section had been well established.

Mr. Downsborough moved to schedule a Public Hearing on Fire Hydrants and Cul-de-sacs on June 11, 2014. Seconded by Mr. Luck, the motion passed 4-0.

7. **PLANNING AND ZONING**

a. **Planning Commission Report**

Ms. Bressler stated that at the last Planning Commission meeting there was a presentation by Jim May about the 2013 Annual Report for CRPA. She stated that the Regional Growth Boundary and Beneficial Reuse Water were discussed. She stated that the Conditional Uses of the R-1 District were discussed at the Planning Commission Work Session.

b. **Sketch Plan Timberton Estates– Walking Trail Modification**

Mr. Erickson stated that the following information was included in the March 10 Planning Commission Agenda:

The Timberton Estates Homeowner Association, Inc., (HOA) has prepared a sketch plan that proposes modifications to the previously approved Timberton Estates Final Subdivision Plan. The modification proposes to eliminate the walking trail from the approved plan and to revise Plan Note 2d. Plan Note 2d stipulates that: *"Parkland Requirement: 1 acre. The Developer will open the walking trail network for public access to meet the parkland requirement."* The HOA's proposal would modify note 2d to read as follows: *"The Open Space (herein defined as 18.804 acres) may be used by the lot owners of Timberton Estates for their enjoyment as long as the use is allowed by Township Ordinances and is also in conformance with the By Laws of the Timberton Estates Homeowners Association, Inc. and the Declaration of Restrictions, Covenants, Reservations, and Easements for Timberton Estates."*

7. **PLANNING AND ZONING (CONTINUED)**

b. **Sketch Plan Timberton Estates– Walking Trail Modification (CONTINUED)**

In consideration of the above described modifications, the Timberton Estates HOA proposes to pay a fee in lieu of parkland in the amount of \$10,000 to Patton Township over a period of three (3) years.

Chapter 153-34.1.N of the Subdivision and Land Development Regulations for Rural Preservation states: "Pedestrian circulation in the form of developed trails or informal paths shall be provided throughout the tract. These trails shall have the ability to establish a system so that the future linkages can be made. If the trails are designated for public use, they may be applied toward the parkland requirement and must be noted on the record plan accordingly."

The Timberton Estates HOA will be requesting a waiver from the walking trail requirement and to provide a fee in lieu of parkland to account for their 1-acre parkland requirement.

Mr. Tom Songer of the Torron Group is here this evening representing the Timberton Estates HOA to further discuss the proposed modifications. The agenda packet included a location map, a draft Memo of Understanding (MOU) between Timberton Estates HOA and Patton Township, and a sketch plan of the modifications.

Note that no official action may be taken on a Sketch Plan. The opportunity to present sketch plans is provided to permit developers to introduce projects, receive initial feedback from the Township on plan features, and explore alternatives. The Developer is asked to consider the comments provided and incorporate them, as appropriate, into a final submission. Comments provided by the Planning Commission will be forwarded to the Board of Supervisors.

Mr. Songer stated that Timberton Estates has 20 lots that were approved almost 10 years ago and the developer at that time sat down with staff to create the walking trail. He stated that the soft mulch path goes around the development and that very few people in the community use it. He stated that there is 18 acres of common open space as part of this development and is privately owned and maintained. He stated in the past two years the Home Owner's Association has discussed eliminating the trail due to security issues, liability issues and maintenance costs. He stated that every single resident of the Timberton Estates has signed the Memo of Understanding.

Mr. Downsborough asked Mr. Songer if the Home Owner Association would consider a realignment of the walking trail within the right-of-way of the road. Mr. Songer stated that is an idea to look into and he is willing to sit down to discuss that with staff.

Mr. Wise suggested that the Township get an easement and maintain it for public use.

Mr. Luck stated he does not have a strong feeling where the path goes but is concerned about losing it all together.

The Board agreed for Timberton Estates HOA to sit down with staff to look into alternative.

One resident stated that the trail was hazardly put in and that while she was in her bathroom she looked into her mirror and noticed that a man was looking in at her from the path and would gladly give the Township \$10,000 rather than having a path.

Another resident stated she is concerned about the drainage swells along the edge of the road and thinks this is a reasonable solution.

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 Works**

1) **Agreement for Recycling Grant from Department of Environmental Protection (DEP)**

The Township has been notified of a grant award of \$67,834.00 for reimbursement towards our 2012 Front End Loader purchase. This Loader is used extensively by our Road Crew at the State College Borough Compost Facility. The dollar amount represents 90% of the pro-rated value of the Loader when it is being used for processing lead and brush waste diverted from the landfill.

Enclosed with the agenda materials is the draft Reimbursement Agreement with the Department. The Manager and Public Works Director have reviewed the Agreement and recommend approval.

**It is recommended that the Board approve the Agreement and authorize the Chair and one other Board member to execute the Agreement on behalf of the Township.**

b. **Planning & Zoning**

1) **Temporary Use Permit; Pennsylvania Ground Water Association Field Conference**

The Pennsylvania Ground Water Association (PGWA) is requesting a temporary use permit to conduct their annual Summer Field Conference in the vacant out-parcel situated directly west of the Home Depot at 2635 Green Tech Drive.

The PGWA has held a one-day outdoor field conference in recent years. The conference includes live demonstrations of drilling, casing, grouting, well development, test pumping, hydro-fracturing, and decommissioning. PGWA proposes to construct three temporary tent structures for the event to be held on Friday, June 13. There will be one 40 x 100 ft. tent and two 20 x 20 foot shade canopies. These will provide a place to sit, shade and rain protection. The tents will be set up on Wednesday, June 11 and taken down on Saturday, June 14.

Access to the site will be provided by way of Green Tech Drive. A separate parking area will be provided to rear of the site and adjacent to the I99 corridor; therefore, there are no anticipated adverse effects to traffic circulation or access. Lighting is not proposed.

The agenda packet for this evening includes a temporary use application and a site map. Staff has not yet received the owner's permission for use of the site.

The Planning Commission recommends approval with the condition that verification of the owner's permission be provided.

**It is recommended that the Board approve a Temporary Use Permit for the Pennsylvania Ground Water Association**

8. **CONSENT AGENDA (CONTINUED)**

c. **Administration**

1) **April Voucher Report**

A copy of the April 2014 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 April 2014 Voucher Report.**

2) **Recognition of Community Treasures**

The Mid-State Literacy Council, a non-profit group providing adult literacy education in Centre and Clearfield Counties, will be honoring two long-time volunteer board members at a tribute dinner on May 19. Mary M. Dupuis and Martha J. Kolln are also long-time residents of Patton Township, whose husbands once served on the Board of Supervisors. Beyond their work with the Mid-State Literacy Council both women have been active in numerous other community groups and events.

The Council Board of Directors requests that the Patton Township Board of Supervisors help them recognize the value of the time and talent these two women have provided to the community. The Board should consider action on two resolutions proclaiming Martha J. Kolln and Mary Miles Dupuis as assets of our community.

**It is recommended that the Board approve Resolutions 2014-005 and 2014-006**

Mr. Luck moved to approve the Consent Agenda including Resolutions 2014-005 and 2014-006. Seconded by Mr. Wise, the motion passed 4-0.

9. **MANAGER'S REPORT**

a. **Development Update**

Mr. Erickson stated that the Development Update was included with the agenda.

b. **Restaurant Inspection Citation Posting**

Mr. Erickson stated that Mr. Kassab, the Heath Inspector at State College Borough will now be posting restaurant inspection citations to the State College Borough website in which the Township will have a link on our website.

c. **Zoning Hearing Board**

Mr. Erickson stated that there was a Zoning Hearing Board decision in regards to fence height at a property in Toftrees and the finding was that the 12' tall fence was in existence before the Township enactment of the height regulations of 8' and the property owners were permitted to continue with the project.

d. **ISO Code Agency Rating Report**

Mr. Erickson stated that the ISO Code Agency Rating Report was enclosed with the agenda that rated Centre Region with a Class 2 for commercial/industrial properties and a Class 1 for 1-2 family residential properties.

9. **MANAGER'S REPORT (CONTINUED)**

e. **Community Diversity Conference Funding Request**

Mr. Erickson stated that the Community Diversity Conference is asking for the Township's support.

Mr. Luck moved to approve giving a \$100 donation to the Community Diversity Conference.  
Seconded by Mr. Wise, the motion passed 4-0.

f. **2013 Health Insurance Refund**

Mr. Erickson stated that the Township is getting a \$65,000 refund for 2013 for the Health Insurance. He stated that about 10% of that is employee payments and will calculate how many pay periods the employees will not have to pay insurance premiums and most of the money goes back into general funds and some is used for a wellness program for the employees.

10. **COMMITTEE REPORTS**

Mr. Luck stated that Parks Capital met and discussed the property along White Hall Park.

Mr. Downsborough stated that HR met and discussed a reclassification at Centre Region Code from Billing Specialist to Program Assistant and it was approved. He stated that HR also received the preliminary personnel changes which included changing a part time IT position at library to a full time IT position, a new part-time Development Officer, an upgrade from Finance Officer to Finance Director in Administration along with 5 new Code employees.

Mr. Boyer stated that Public Services and Environmental Committee met and discussed the Refuse and Recycling Contract and the Georgetown University Energy Prize. He stated that there is a \$15 million Penn State Grant for Multi-Year Solar Plan that was also discussed.

Mr. Boyer stated that Public Safety met today and discussed the numerous brush fires this year and how to get some sort of containment of brush fires in the area. He stated that they also discussed the Keystone Assistance Program and the Bellefonte Borough Code Program Request. He stated that PA Game Commission did 4 controlled burns of a total of 415 acres.

11. **OTHER BUSINESS**

Chief Petrick asked residents to take a look at the Patton Township website to help identify suspects in a disorderly content incident.

12. **ADJOURNMENT**

There being no further business, by Mr. Luck's motion and Mr. Downsborough's second, the meeting was adjourned at 8:19 PM.

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Douglas J. Erickson, Township Secretary