



**PATTON TOWNSHIP  
CENTRE COUNTY, PENNSYLVANIA**

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## **BOARD OF SUPERVISORS**

BOARD MEETING ROOM  
PATTON TOWNSHIP MUNICIPAL BUILDING

**March 10, 2021**

**5:00 PM**

### **\*\*\* AGENDA UPDATED \*\*\***

**Updates Include new attachments for Items 6c, 6e, 10a.2 and 10a.3**

**PLEASE NOTE: This meeting will be conducted via ZOOM only**

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

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/85315247779>  
**Meeting ID:** 853 1524 7779 **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](mailto:patton@twp.patton.pa.us)  
Meetings can be live-streamed at <https://www.youtube.com/user/CNetCentreCounty/live>

## 1. CALL TO ORDER

The Chair will call the meeting to order.

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

## 2. PUBLIC COMMENTS

Residents 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 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.

## 3. PRESENTATIONS / PUBLIC HEARINGS

### a. **Proposed Policy for Search Warrant Execution**

Background information on this matter can be found with the Board’s agenda materials for [August 19, 2020](#), [November 18, 2020](#), and [January 27, 2021](#).

Please note that “no-knock” search warrants **are not allowed** in Pennsylvania (PA). Under the PA Code, officers must obtain a warrant and must knock on the door and announce their presence and purpose prior to entering a residence or other structure to conduct a lawful search. Under PA case law, it is generally expected that officers must wait at least 15 to 20 seconds after knocking to allow residents the chance to voluntarily “surrender their privacy”. PA Code does provide four exceptions for entry without knocking and announcing that include:

**Where** occupants remain silent after repeated knocking and announcing, **Where** police are virtually certain that occupants of premises already know their purpose, **Where** police have reason to believe that an announcement prior to entry would imperil their safety, and **Where** police have reason to believe that evidence is about to be destroyed.

**3. PRESENTATIONS / PUBLIC HEARINGS****a. Proposed Policy for Search Warrant Execution**

At the conclusion of discussion on January 27<sup>th</sup>, the Board directed the Manager to prepare a draft policy resolution that would include the following items:

- A prohibition on exercising the option to enter without knocking and announcing “when police have reason to believe that evidence is about to be destroyed.”
- Additional revisions to Section 1.2.3 Search and Seizure of the Police Department Policy Manual identified in the Chief’s and Manager’s proposal (Item 4a) attached to the [November 18<sup>th</sup>](#) agenda.

The Manager’s draft of proposed Resolution 2021-005, Establishing Policy for Police Department Execution of Search Warrants, is included with the agenda materials.

The Manager and Police Chief reviewed the proposed policy with representatives of the Patton Township Police Officer’s Association (POA), the collective bargaining unit for uniformed employees. The POA had no further comments for the Board.

The Police Chief has provided a memo detailing steps Township Police Officers will be directed to take when involved in the future execution of a search warrant.

For this item the Board should:

- Review the included/referenced materials prior to the meeting
- Following an introduction by the Manager and, if desired, receive brief presentations from the Police Chief and Dr. Jones, and solicit additional information as needed
- Solicit additional public input
- Discuss the matter among the Board members
- If ready, consider action to adopt Resolution 2021-005, Establishing Policy for Police Department Execution of Search Warrants,

**OR**

Provide direction to the Manager to prepare a revised draft policy reflecting the policy position of the majority of the Board members.

**4. PUBLIC SAFETY****a. Police Update**

Last month's Police Report is included with the agenda materials. The Police Chief will review the report and respond to questions.

**b. Other Community Initiatives related to Policing**

The Police Chief will provide a brief update on the following community programs he is working with:

[Community & Campus in Unity](#) (CCU)

[Mental Health Task Force](#)

[Policing and Communities of Color](#)

This item is for information only.

**c. Policy Discussion on Standards for Use of Deadly Force**

This matter is scheduled to be included with the April 14, 2021 Board agenda. The tentative schedule for this matter is:

- |                  |   |
|------------------|---|
| April 14         | Review of prior discussions; review of State standard; review of local standard; review of proposed model policy; Board members should identify any further information desired |
| April 28         | Presentation and review of Chief's proposal for changes, if any, to local standard; Board members should identify any further information desired                               |
| May 3 – 14       | Collect public input through social media and listening sessions  |
| May 26           | Review public input; review any changes to model policy or Chief's proposal; Board discussion to formulate draft policy or identify any further information needed              |
| May 31 – June 11 | Review Board's draft policy with POA and others as needed   |
| June 16          | Board review of draft policy resolution with potential to adopt.  |

Board members should identify and discuss any additional steps or outreach that might be included in the above schedule.



**5. PUBLIC WORKS – no items****6. PLANNING & ZONING****a. Planning Commission Report**

The Board will receive a report from Commission member Richard Schimdt on the activities of the Planning Commission.

**b. Final Subdivision Plan; Barger Fields**

The plan proposes creating 10 single-family home lots on a 82.54-acre site (Tax Parcel 18-301-40) located in the Rural District (A-1). The Preliminary Subdivision Plan was approved in [August 2016](#).

For Your Information -- the Municipalities Planning Code (MPC) provides two methods for subdivision plan approval: 1) A two-step process where the developer obtains Preliminary Plan approval, constructs the required infrastructure (roads, utilities, drainage systems, etc.) and then requests Final Plan approval, OR 2) a one-step process where the developer agrees to provide a financial guarantee ("posts surety") for the required infrastructure and requests approval of the Preliminary/Final Plan. This review is being done under a variant of the second method.

Most plans are brought to the Township as Preliminary/Final plans.

Marion Way, a public road, will be constructed to extend 750 feet into the site for access to lots 10 and 11. The remaining lots will be served by private drives. Lot 2RR will serve as the 50% open space requirement and will be an estate lot that cannot be further subdivided.

The Planning Commission has recommended conditional approval with:

- The completion of all items noted on each comment letter provided by staff
- The addition of a streetlight at the intersection of Marion Way and Buffalo Run Road (State Route 550)

The Township's subdivision regulations **do not** require the installation of streetlights at intersections, therefore the Plan cannot be denied on that basis alone.

The agenda materials include a location map, Patton Township Staff plan review comments, COG Refuse and Recycling comments, and the plan set.

**6. PLANNING & ZONING (Continued)****b. Final Subdivision Plan; Barger Fields (Continued)**

For this item the Board should:

- Review the provided materials
- Receive a brief introduction by the Planner
- Receive a brief presentation from the developer's project designer
- Solicit additional information from the developer and/or staff
- Solicit public input
- Following a motion and second, discuss the matter and consider action to conditionally approve the Plan.

**c. Rezoning Recommendation from Planning Commission; 101 Hawbaker Industrial Drive**

The owner of the this parcel has requested a change of zoning from [Industrial](#) (I-1) to [General Commercial](#) (C-1). The zoning regulations for each district can be accessed through the hyperlink or found in [Chapter 175](#), Zoning of the Code of Patton Township. The request letter is included with the agenda materials along with a location map for the property. The Township Zoning Map accessible by clicking [here](#)

This item was referred to the Planning Commission by the Board of Supervisors at its January 27, 2021 meeting. This item was introduced to the Planning Commission (PC) at the February 1 meeting. Conversation at the February PC meeting centered around potential traffic increases with C-1 uses and access to North Atherton Street. Any facility on this parcel must utilize Hawbaker Industrial Drive as the access point.

Traffic impacts were analyzed using a fastfood restaurant as a potential high-traffic use on the site. Peak trips per hour were calculated using figures from Taco Bell and Chick-Fil-A located along North Atherton Street in the Township.

The Planning Commission has recommended approval of the request on a 5-2 vote.

The agenda materials include a location map, Rezoning request letter from Rodney Hendricks, 101 Hawbaker Industrial Drive rezoning calculations package, and the Patton Township Zoning Map with street names. A "no comment" comment letter from the Centre Regional Planning Commission is included with the updated agenda.

**6. PLANNING & ZONING (Continued)****c. Rezoning Recommendation from Planning Commission; 101 Hawbaker Industrial Drive (Continued)**

For Your Information – the next step in the rezoning process would be to schedule a Public Hearing to occur at a future Board meeting, at least 30 days out from March 10th. Once the Public Hearing has been scheduled staff will send out notices to surrounding property owners and residents, post the property with notices, and prepare and advertise a draft ordinance that would enact the zoning change.

Following the Public Hearing, the Board would have the opportunity to take action to approve or deny the zoning change.

For this item the Board should:

- Review the provided materials
- Receive a brief introduction by the Planner
- Receive comments from the property owner
- Solicit additional information from the owner and/or staff
- Solicit public input
- Following a motion and second, discuss the matter and consider action to schedule a Public Hearing for the April 14<sup>th</sup> (or a later) Board meeting. (The lack of a motion or defeat of a motion would end any further consideration of this request)

**d. Rezoning Request - New; 474 and 480 Douglas Drive**

A partner in the ownership group for these properties has submitted a request to the Board to change the zoning from [Low Density Residence](#) (R-2) to [General Commercial](#) (C-1). The zoning regulations for each district can be accessed through the hyperlink or found in [Chaper 175](#), Zoning, of the Code of Patton Township. The request email is included with the agenda materials along with a location map for the property.

In broad general terms, a commercial zoning would greatly change the character of the properties and the permitted uses. (Township Zoning Map accessible by clicking [here](#))

**6. PLANNING & ZONING (Continued)****d. Rezoning Request - New; 474 and 480 Douglas Drive (Continued)**

The location map also illustrates the zoning in the area of the subject property including:

- Residential (R-2) south along Douglas Drive and west along the southern side of Atherton Street (mostly undeveloped)
- Industrial (I-1) north along Hawbaker Ind. Drive and west along the northern side of Atherton Street
- Commercial (C-1) east along both sides of Atherton Street

It has been a long practice in Patton Township to forward almost all rezoning requests to the Planning Commission for study and to return a recommendation to the Board. While a long practice, the Board also has the discretion to reject or turn-down a request at any point in the process. The Board of Supervisors has a considerable degree of discretion when presented with zoning change requests.

The Manager recommends forwarding this request to the Planning Commission for study and to return a recommendation to the Board.

For this item the Board should:

- Review the materials provided with the agenda
- Receive a brief introduction by the Manager
- Solicit additional information from the owner and/or staff
- Solicit public input
- Following a motion and second, discuss the matter and
  - Determine if any additional information is required prior to taking action, or
  - Consider action to forward the request to the Planning Commission for study and to return a recommendation to the Board.

**6. PLANNING & ZONING (Continued)****e. Proposed Amendment to Subdivision Regulations; Requiring Digital Plan Submission**

The Planning Commission reviewed a staff recommendation to revise Chapter 153, Subdivision and Land Development Ordinance (SALDO), to require plans to be digitally submitted in addition to the current paper submissions. [Article II](#) of Chapter 153 includes current submission requirements. Staff proposed changes to also require submission of the documents in PDF format.

The Planning Commission has recommended approval of the change.

The agenda materials include a red-line mark-up of the SALDO Article II Submission Procedures showing changes required for the recommendation. . **A “no comment” comment letter from the Centre Regional Planning Commission is included with the updated agenda.**

For this item the Board should:

- Review the provided materials
- Receive a brief introduction by the Planner
- Solicit additional information from staff
- Solicit public input
- Following a motion and second, discuss the matter and consider action to schedule a Public Hearing for the April 14<sup>th</sup> (or a later) Board meeting.

**7. ADMINISTRATION – no items**

**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****1) Code Board of Appeals Appointments****b. Public Works – no items****c. Planning & Zoning****1) Preliminary/Final Subdivision Plan; Muroski-Hardison-Smith Lot Line Adjustment****2) Minor Amendments to Land Development Plan; Gray’s Pointe, Phase 6b, Gray’s Woods PC****d. Administration****1) Minutes February 10, 2021 Meeting****2) Voucher Report****3) Fee Schedule Revision – Update for Right-to-Know Law (RTKL)  
Record Reproduction Fees****9. MANAGER'S REPORT**

The Manager will report on current matters, including the following:

**a. Development Report (enclosed)****b. Correspondence (enclosed)****c. [Upcoming Events](#)****[1] Township Office Schedule**

April 2 – Good Friday, Office Closed for Carpet Cleaning

May 31 – Memorial Day, Office Closed

**[2] April 18 – 21 PSATS Conference****[3] April 30-May 1 Household Hazardous Waste collection****[4] May 18 – Municipal Primary Election**

## 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 (Committee agendas can be downloaded by clicking the highlighted link)

Reports from the February 9<sup>th</sup> Public Safety Committee meeting, the February 11<sup>th</sup> Finance Committee meeting, the February 16<sup>th</sup> Executive Committee meeting, and the February 16<sup>th</sup> Housing Task Force were included in the [Cancellation Notice](#) for the February 24<sup>th</sup> meeting

[Human Resources](#), March 3 (report enclosed; Item 10a.1)

Reclassification of Part-Time Parks Position

Work From Home Policy, Agreement, and Safety Checklist

Joint [Public Services & Environmental](#) and Transportation & Land Use,

March 4 (**report enclosed; Item 10a.2**)

Review of Follow Up Items from Joint Meeting of February 4, 2021

Joint Meeting Between The TLU Committee, PSE Committee, and the Centre Regional Planning Commission (CRPC)

Role of the Merged Committee in Future Land Use, Transportation, and Infrastructure Policy and Coordination

[Climate Action & Sustainability](#), March 8 (**report enclosed; Item 10a.3**)

Committee Representation

Community Forum on Climate Planning

Draft Mission Statement for the COG CAS Committee

[Public Safety](#) - cancelled

Facilities - cancelled

Future Meetings

Finance, March 11

[Parks Capital](#), March 11

An update on the Musser Gap to Valleylands Project;

Parks and Recreation Regional Comprehensive Study Update and Discussion;

Millbrook Marsh Nature Center Spring Creek Education Building Phase II Update;

An update on the Millbrook Marsh Nature Center Boardwalk Feasibility Study;

A status update on the Whitehall Road Regional Park project.

Exec, March 16

**10. COMMITTEE REPORTS (Continued)**

- b. State College Borough Water Authority (3<sup>rd</sup> Thursday)– Montieth (report enclosed)
- c. Centre Area Cable Consortium, as needed – Trevino (did not meet)
- d. Spring Creek Watershed Commission, March 17 - Mason Alt
- e. Centre County Metropolitan Planning Org., Feb 23 – Robb, Abrams Alt. (report enclosed)
- f. Centre County Airport Authority, Jan 28 – Downsborough (report enclosed)

**11. OTHER BUSINESS**

**12. ADJOURN**

**13. (reserved)**

**14. FOR YOUR INFORMATION**

Materials Included with agenda:

- 1. Thank You from the Census Bureau
- 2. Center County Planning Office 2020 activity report (digital only)
- 3. Center County Planning Office 2020 subd. and land dev. report (digital only)

Upcoming Meetings:

Mon., March 22	General Forum
Wed., March 24	Board of Supervisors Open Space Preservation Options discussion Bernel Road Park Grant Application Bid Award for Julian Pike & Rose Drive Culvert replacements
Wed., April 14	Board of Supervisors Policy Discussion on Standards for Use of Deadly Force
Mon., April 26	General Forum
Wed., April 28	Board of Supervisors Policy Discussion on Standards for Use of Deadly Force Presentation of Financial Statements for 2020 (Audit report)



**14.FOR YOUR INFORMATION (Continued)**

**Items to be Scheduled - as prioritized on Jan 4, 2021**

- Open Space preservation options (October 2018)
- Regulating Special Events on Public Property (Sept 2017)
- Sustainability Resolution (August 2018)
- Authorities dissolution (December 2018)
- Home Occupations – potential change by Ordinance (Dec 2017)
- Stargazing Permits (Feb 2020)