



**PATTON TOWNSHIP
CENTRE COUNTY, PENNSYLVANIA**

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BOARD OF SUPERVISORS

BOARD MEETING ROOM
PATTON TOWNSHIP MUNICIPAL BUILDING

March 24, 2021 **5:00 PM**

***** AGENDA UPDATED *****

Updates Include: Item 3b, NEW ITEM, Resolution Supporting the AAPI Community; Item 5a, Update with new attachment for Bid Award; Item 6b, new attachment; Item 7c Update with new attachment; Items 10a.1, 10a.3 & 10d new attachments

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 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/81505705463>

or Dial-up: 929-205-6099 Meeting ID: 815 0570 5463

- 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>

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. Open Space Preservation Options

From the January 4, 2021 Board agenda materials:

Open Space Preservation Options (October 2018)

In an attempt to provide affordable housing in the Gray’s Woods Planned Community, the Manager offered a proposal that would have used a portion of the Gray’s Woods Preserve open space property for a storm water management basin. This proposal was viewed poorly, at best, by the Board and most of the public.

Management and control of the Township’s Open Space properties is ultimately vested in the Board of Supervisors. The Board has codified goals for the open space (preservation from development) and established an advisory stewardship board that works with staff and conservation professionals to improve the property for the community.

However, the above actions are still voluntary and could be un-done by a future Board of Supervisors. On the other hand, there are also techniques that could be employed to constrain future Boards.

3. PRESENTATIONS / PUBLIC HEARINGS (Continued)

a. Open Space Preservation Options (Continued)

In research and preparation for this agenda item, the Manager would now say the two highlighted sentences in the above text box are not completely accurate. The Commonwealth's *Donated or Dedicated Property Act* (Act) (P.L. 1772, 53 P.S. §§3381-3386) provides that properties (paraphrasing) that are dedicated to public use can only be transferred, swapped or disposed of pursuant to an order from the Orphans' Court, which is a division of the County's Court of Common Pleas. And a municipality must show "the continuation of the original use of the particular property held in trust as a public facility is no longer practicable or possible and has ceased to serve the public interest (Section 4 of the Act). The Act is included with the agenda materials.

While most parklands that are provided by developers are clearly "dedicated to public use," there is some gray area under the Act regarding properties that are purchased by municipalities.

In the case of the Gray's Woods Preserve, the Township purchased the property in December 2017 with \$3,500,000 of Township funding and a \$750,000 donation from the Hamer Foundation. The property was purchased fee simple without any conservation easement or general restrictions in use from the seller. At the time of purchase the Township adopted Resolution 2017-027 (included with agenda materials) stating the property "will be purchased and ordained as public lands of Patton Township ...". Subsequently the Township formally designated this property a part of the Open Space Program by adoption of Ordinance 2018-593. The Open Space Program is codified as [Chapter 110](#) of the Code of Patton Township, which includes the statement "open space properties (are) specifically designated to be preserved from development . . ." in Section 110-1.

Would the *Donated or Dedicated Property Act*, as interpreted by the Supreme Court of Pennsylvania, apply to the Gray's Woods Preserve? (See [Erie Golf Course](#) and [Downingtown/Kardon Park](#) for a deeper dive)

One technique that can be used to address what might be a gray area regarding certain municipal properties and the Act is the adoption of a "Declaration of Public Trust" which would clearly place the property under the scope of the Act. A model for a "Declaration of Public Trust" is included in the agenda in two documents – the model trust documents and the commentary (digital only).

For Your Information – The [Second Class Township Code](#) also includes requirements for the sale or disposal of real property that are found under Section 1503.

3. PRESENTATIONS / PUBLIC HEARINGS (Continued)

a. Open Space Preservation Options (Continued)

For the record, the Township has clearly demonstrated an on-going advocacy for creating and improving open spaces for public benefit, while also planning for and accommodating new development. The advocacy is not only apparent from the two successful referenda and acquisitions of the Haugh Family and Gray's Woods Preserves, but also through the multi-layered oversight and stewardship efforts that include:

- Use of professional consultants and staff to help develop and implement conservation plans, and
- Resident Volunteers serving on the Open Space Stewardship and Recreation Advisory Committees providing input to consultants, staff and elected officials, and
- Elected Officials who have enacted policies supportive of open space preservation and public use, and finally
- Residents and Property Owners keeping a watchful eye on local government and supporting public open space through tax payments

For this item the Board should:

- Review the provided and referenced materials
- Receive a brief introduction from the Manager and Solicitor
- Receive comments from the Hamer Foundation Board of Directors
- Solicit additional information from the Manager, Solicitor, or Hamer representative(s)
- Solicit public input
- Following Board discussion, provide direction to the Manager on desired next steps for this matter.

b. ** NEW ITEM **** Resolution in Support of Asians, Asian-Americans and Pacific Islanders (AAPI)**

Following a similar action by the Centre Region Council of Governments, the Board is asked to consider a draft resolution which condemns acts of racist and xenophobic hate and bias towards people of color especially Asians, Asian-Americans, and Pacific Islanders during the COVID-19 pandemic, and at all times.

A draft of Resolution 2021-009 is included with the agenda materials.

4. PUBLIC SAFETY – no items

5. PUBLIC WORKS

a. Bid Award; Julian Pike and Rose Drive Culvert Replacements

Bids are being solicited on-line through [PennBids](#) and will be opened on March 22nd. This project includes the replacement of a large drainage culvert under Julian Pike and replacement of culverts outside the cartway on Rose Drive. This project is a partially-FEMA-funded mitigation identified after 2017 flooding along these roads.

The agenda includes partial sets of the construction drawings. Full copies of the bid documents are available on Pennbids or can be provided as a pdf on request.

It is recommended that the project be awarded to Ameron Construction of State College for the low, responsive bid of \$83,465.10. The bid tabulation and recommendation are included with the agenda supplement materials.

The Board is asked to review the materials provided and consider action to award a contract to the low responsible bidder as recommended.

b. Grant Application; Bernel Road Park, Phase 2B

Grant funds are being sought from the Department of Conservation and Natural Resources (DCNR) for the planned Phase 2B development of Bernel Road Park. The Township was awarded a \$155,000 grant late last year from DCNR for Phase 2A, which is far less than the requested \$250,000. Due to the partial grant funding, construction of 2A and 2B is will not occur until at least 2022.

The current application would fund 50% of the proposed Phase 2B cost of \$250,000. Phase 2B will include a pump track with beginner and intermediate circuits, a bicycle repair station and associated paved connecting paths.

The agenda materials include the grant application, draft resolution approving the application, required notice letter, and drawings showing Phases 2A and 2B.

For this item the Board should:

- Review the provided materials
- Receive a brief introduction from the Public Works Project Manager
- Solicit additional information from staff and ask for public input
- Consider action to approve Resolution 2021-008 in support of the grant application.

5. PUBLIC WORKS (Continued)

c. **Bike Month Recognition**

The League of American Bicyclists celebrates each May as [Bike Month](#). For this year Bike to Work Week will take place May 17-23, 2021 with Bike to Work Day on Friday, May 21st.

For many years now, Patton Township has supported these efforts and others to promote bicycle use in the Centre Region. The Public Works Project Manager will provide a brief overview of some other bike-related initiatives in the Township, including:

- Hosting a public Bike Chat zoom meeting with the May 18 Recreation Advisory Committee (RAC) meeting
- Working with Ferguson Township to designate and mark an on-street bike route from Valley Vista Drive to Tudek Park
- Upcoming application for Bike Friendly community designation

A draft resolution recognizing Bike Month is included with the agenda materials.

The Board should consider action to adopt Resolution 2021-007.

d. **Code Amendment: Request for Exemption to Community On-Lot Sewage Disposal System Requirements**

The State Department of Environmental Protection (DEP) is requiring that the proposed septic system for the Abington Equine Hospital, which would serve two non-residential buildings - the hospital building and the existing barn, to be classified as a Community On-Lot Disposal System (COLDS). In the DEP-world, the additional requirements of a COLDS are minimal, **BUT** such a designation in Patton Township would require significant, and in Staff's opinion completely unnecessary, costs.

For Your Information – In Patton Township COLDS are expected to serve multiple residential units and not uses such as the Equine Hospital has proposed – see Article V of Chapter 136 of the Patton Code
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The owner of Abington Equine Hospital, to be located at 156 Abington Lane, has requested that the Board consider a change to the Code of Patton Township “to exempt an on-lot sewage disposal system that serves two or three non-residential structures, with a combined estimated sewage generation that is less than 2 equivalent dwelling units (EDUs), from the requirements found under Article V (Community On-Lot Sewage Disposal Systems) of Chapter 136 ...”

5. PUBLIC WORKS (Continued)

d. Code Amendment: Request for Exemption to Community On-Lot Sewage Disposal System Requirements (Continued)

The requested change would permit the septic system to be constructed as proposed on the approved Land Development Plan.

Staff supports this request as the least-worst work-around available.

For this item the Board should:

- Review the provided materials
- Receive a brief introduction from the Manager
- Solicit additional information from staff and ask for public input
- Provide direction to the Manager on next steps for this matter; options include:
 - Requesting additional information to be considered at a future meeting
 - Directing the Manager to prepare a draft ordinance for review and potential action at a future meeting (note – a public hearing is not required for this type of ordinance change)
 - Sending the matter to the Planning Commission for review and recommendation (This is not mandatory because the issue is outside the scope of the Municipalities Planning Code)

6. PLANNING & ZONING

a. Review of Intermunicipal Zoning Agreement for Industrial and Multi-Family Zoning in Patton and College Townships

The Manager apologizes for bringing this information forward this late in the process.

In 2005, Patton Township and College Township approved an intermunicipal agreement to share zoning for industrial and multi-family land uses. A copy of the agreement is included with the agenda materials. Section VII B the agreement requires that Patton Township request input from College Township prior to removing (i.e. re-zoning) any property from our existing inventory of lands available for industrial uses.

6. PLANNING & ZONING (Continued)

a. Review of Intermunicipal Zoning Agreement for Industrial and Multi-Family Zoning in Patton and College Townships (Continued)

The agreement further requires that Patton Township cannot proceed with our local process until College Township responds or their 90-day review period has expired. The College Township Council is tentatively scheduled to review the request at their April 1 meeting.

Furthermore, should College Township provide an adverse response to the proposed re-zoning, Patton Township will likely be compelled to deny the re-zoning request -- see the last paragraph of Section VII B of the agreement.

These requirements will likely delay scheduling the Public Hearing on the proposed re-zoning of 101 Hawbaker Industrial Drive. The above information has been provided to the property owner.

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

b. Zoning Amendment Request – Add Fitness Centers Use to I-1, Industrial District

A prospective tenant of 118 Hawbaker Industrial Drive, formerly WESCO Lighting, has submitted a request for the Board to consider revising the permitted uses in the Industrial Zone to include fitness centers. The agenda materials include a letter requesting the change with maps and photographs showing the full Industrial district in the Township and the location of the subject property.

Comments from the Manager regarding some statements in the request letter was provided with supplemental materials published on March 23.

A list of currently permitted uses in the I-1 District is also included with the agenda materials.

The Manager recommends sending the matter to the Planning Commission for review and recommendation. While it is not clear that the proposed change would be a subject of the Agreement discussed in the prior item, the Manager also recommends notifying College Township of the matter.

6. PLANNING & ZONING (Continued)

b. Zoning Amendment Request – Add Fitness Centers Use to I-1, Industrial District (Continued)

For this item the Board should:

- Review the provided materials
- Receive a brief introduction from the Manager
- Receive a brief presentation from the requestor's representative
- Solicit additional information from the requestor and the Manager, and ask for public input
- Provide direction to the Manager on next steps for this matter; options include:
 - Requesting additional information to be considered at a future meeting
 - Sending the matter to the Planning Commission for review and recommendation
 - Deny the request outright by motion or by lack of action

7. ADMINISTRATION

a. Cooperation Agreement for State Grant for Abington Equine Hospital for Site Development

The Township has been awarded a \$370,000 Keystone Communities Partner grant from the Commonwealth to assist with site development for the proposed Abington Equine Hospital to be constructed near the intersection of Buffalo Run Road (State Route 550) and Deer Brook Drive/Abington Lane. The Cooperation Agreement between the Township and Abington Equine Hospital, PC defines the responsibilities and obligations of each party toward the project and provides that the Township is not responsible for any costs beyond those covered by the grant funds.

The agenda materials include a location map, the draft of the agreement, the layout plan for the facility and renderings of the equine hospital building.

The Agreement has been reviewed by the Manager and Solicitor.

It is recommended that the Board consider action to approve the agreement and authorize the Chair to sign on behalf of the Township.

7. ADMINISTRATION (Continued)

b. Consultant Agreement for State Grants Project Management and Inspection Services

In anticipation of grants the Township is expecting for economic development public/private partnerships, the Manager had solicited proposals to provide professional engineering services to assist the Township for administering, managing, and inspecting infrastructure projects being funded by Commonwealth Financing Authority grants. These costs for project related services will be paid from the grant funds.

Seven firms responded to the request for proposals (RFP). The Proposals were reviewed by Board members Trevino and Robb, the Manager, and the Assistant Engineer. The firm of Stahl-Sheafer Engineering, LLC was the top or second choice of all the reviewers.

The Manager recommends that the Township enter into an agreement with Stahl-Sheafer Engineering, LLC for a twenty-four (24) month contract to provide services as noted on a time and materials basis. The agenda materials include a copy of the proposed agreement.

It is recommended that the Board consider action to conditionally approve the agreement, pending review by the Solicitor, and authorize the Manager to sign on behalf of the Township.

c. COVID Ordinance Amendments to Align with recent State Orders

On March 15th Governor Wolf [announced intended changes](#) to the Commonwealth's emergency orders related to COVID-19 that would go into effect on April 4, Easter Sunday.

On March 16th the Commonwealth published an official order (see agenda attachments) to amend the November 17, 2020 order to include an additional exception to the face covering requirement for Fully Vaccinated People in accordance with CDC's Interim Public Health Recommendations.

The Manager recommends that the Board designate this change as "pending legislation" to be included in a to-be-adopted updated COVID Ordinance. It is expected that the Commonwealth will publish additional orders prior to the Board's next meeting on April 14th.

7. ADMINISTRATION (Continued)**d. Manager's Annual Energy Efficiency Update**

In 2010 the Council of Governments led an effort to develop green-house gas emissions inventories for each member municipality. This project produced a list of "Energy Efficiency Action Items." Since 2011 the Board of Supervisors have reviewed this list annually, as updated by the Township Manager with steps that have been taken to achieve more efficient energy use.

The 2021 edition of the annotated list is included with the agenda materials. Highlights of changes undertaken since March 2020 include:

The Board is asked to receive and review the list and offer comments and/or ask questions of the Manager/Staff. The public should also be afforded an opportunity to provide comments and questions.

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**

1) Designate April 24, 2021 as Watershed Cleanup Day

2) Bid Award: Line Painting Contract

c. Planning & Zoning

1) Revised Sewage Planning Module Resolution for Abington Equine Hospital

d. Administration

1) Minutes February 10, 2021

9. MANAGER'S REPORT

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

- a. Correspondence – no items
- b. Bernel/Fox Hill Construction to resume in mid-April
- c. **Mandatory 10-Digit Dialing for 814 Area Code Begins April 3rd**
- d. [Upcoming Events](#)
 - [1] Township Office Schedule
 - April 2 – Good Friday, Office Closed for Carpet Cleaning
 - May 31 – Memorial Day, Office Closed
 - [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)

[Finance](#), March 11 (**report enclosed with Supplement**)

Report from Concord Public Financial Advisors on Funding Options for Whitehall Road Regional Park
State of Schlow Library
Finance Committee Work Tasks
Revision to the COG Detailed Budget Document

[Parks Capital](#), March 11 (report enclosed)

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 (**report enclosed with Supplement**)

Work From Home Policy
Recommendation To Retain Concord Public Financial Advisors
Consideration To Condemn Acts Of Bias And Hate In Our Community
Appointment Of Cog Solicitor Discussion
Communications Procedure To Outside Entities

Housing Task Force, March 16 (report enclosed)

10. COMMITTEE REPORTS (Continued)

SPPA Working Group, March 24

Timeline for RFP for Energy Consulting Services – Update from January 27th meeting to verify we are still on course

Large Scale Renewable Aggregation Cohort Discussion led by Pam Adams

- a. State College Borough Water Authority (3rd Thursday)– Montieth
- b. Centre Area Cable Consortium, as needed – Trevino (did not meet)
- c. Spring Creek Watershed Commission, March 17 - Mason Alt (report enclosed with Supplement)
- d. Centre County Metropolitan Planning Org., April 27 – Robb, Abrams Alt.
- e. Centre County Airport Authority, (4th Thursday)

11. OTHER BUSINESS

12. ADJOURN

13. (reserved)

14. FOR YOUR INFORMATION

Materials Included with agenda:

- 1. In Memorium – [Diane Kerly](#), 1948-2021, long-time resident active with Clearwater Conservancy and Hamer Foundation
- 2. Household Hazardous Waste Collection Flyer – **Pre-registration Required**

Upcoming Meetings:

- 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)
- Wed., May 12 Board of Supervisors
- Mon., May 24 General Forum
- Wed., May 26 Board of Supervisors

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)