

ATTENDANCE:

- BOARD Daniel Treviño, Chair (via tele-conference)
Pam Robb, Vice-Chair (via tele-conference)
Elliot Abrams, Supervisor (via tele-conference)
Anita Thies, Supervisor (via tele-conference)
Betsy Whitman, Supervisor (via tele-conference)
- STAFF Doug Erickson, Township Manager (via tele-conference)
Tyler Jolley, Chief of Police (via tele-conference)
Betsy Dupuis, Solicitor (via tele-conference)
Stephen Casson, Township Engineer (via tele-conference)
Alexandra Castrechini, Asst. Township Engineer (via tele-conference)
Lawrence Pegher, Finance Director (via tele-conference)
Nicole Pollock, CRPA Planner (via tele-conference)
- AUDIENCE Kevin Mullen, Resident (via tele-conference)
Benjamin Jones, Resident (via tele-conference)
Richard Schimdt, Planning Commission (via tele-conference)
John Sepp, PennTerra Engineering (via tele-conference)
Denise Wood, Realtor (via tele-conference)
Sam Hawbaker (via tele-conference)

1. CALL TO ORDER

Mr. Trevino, Chair, called the March 10, 2021 Board of Supervisor meeting to order at 5:00PM.

2. PUBLIC COMMENTS

Mr. Mullen stated that the University Area Joint Authority (UAJA) overbilled him and the lawsuit information can be found on his website: statecollegereport.com. Mr. Abrams asked how we can help solve this problem and asked for input from our UAJA representatives to their Board.

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 27th, 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 18th](#) 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.

Mr. Abrams moved to adopt Resolution 2021-005, Establishing Policy for Police Department Execution of Search Warrants. Seconded by Ms. Robb, the motion passed 5-0.

4. **PUBLIC SAFETY**

a. **Police Update**

Chief Jolley gave a brief overview of the February’s Police Report that was included with the agenda materials.

Ms. Theis suggested having Officer Tuskovich’s information about social media concerns for children and parents on our facebook page and website.

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

Chief Jolley gave 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.

4. **PUBLIC SAFETY (Continued)**

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.

Mr. Erickson reviewed the proposed schedule and the Board members did not identify any additional steps or outreach that should be included in the schedule.

5. **PUBLIC WORKS – no items**

6. **PLANNING & ZONING**

a. **Planning Commission Report**

Mr. Schimdt gave a brief overview 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.

6. **PLANNING & ZONING (Continued)**

b. **Final Subdivision Plan; Barger Fields (Continued)**

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 included a location map, Patton Township Staff plan review comments, COG Refuse and Recycling comments, and the plan set.

Ms. Pollock gave a brief introduction about the Final Subdivision Plan; Barger Fields.

Ms. Theis and Ms. Robb asked that a streetlight be included in the plan.

Mr. Abrams asked for the deadline for Township action on the plan.

Mr. Erickson stated that we have till May 2nd to take action. He stated that the Board can change the subdivision requirements to have streetlights included on future plans.

Mr. Treviño suggested having a light at the development sign. Mr. Sepp stated that he can make that suggestion to his client.

The Supervisors took no action on the Plan. Mr. Erickson noted it would be included on the March 24 and/or April 14 Board agenda.

Ms. Whitman moved to have the Planning Commission look into adding streetlight requirements to the Code. Seconded by Mr. Abrams, the motion passed 5-0.

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

The owner of 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.

c **Rezoning Recommendation from Planning Commission; 101 Hawbaker Industrial Drive (Continued)**

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 included 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.

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.

Ms. Woods stated that Mr. Hendricks is traveling and was unable to be available.

Mr. Abrams moved to schedule a Public Hearing for Rezoning of 101 Hawbaker Industrial Drive for April 14th. Seconded by Ms. Robb, the motion passed 5-0.

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](#))

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

6. **PLANNING & ZONING (Continued)**

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

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.

Ms. Whitman moved to send the Rezoning Request for 474 and 480 Douglas Drive to the Planning Commission. Seconded by Mr. Abrams, the motion passed 5-0.

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 included 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.

Mr. Abrams moved to schedule a Public Hearing for the Proposed Amendment to Subdivision Regulations, Requiring Digital Plan Submission. Seconded by Ms. Robb, the motion passed 5-0.

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**

Municipalities in Pennsylvania are required by the Uniform Construction Code (section 501(c) of the Act (35 P. S. § 7210.501(c)) to establish and appoint members to serve on a board of appeals. According to the UCC, the “*board of appeals shall hear and rule on appeals, requests for variances and requests for extensions of time.*” The UCC also provides that “*two or more municipalities may*

8. **CONSENT AGENDA (Continued)**

a. **Public Safety**

2) **Code Board of Appeals Appointments**

establish a joint board of appeals through an intermunicipal agreement under 53 Pa.C.S. § 2301—2315 (relating to intergovernmental cooperation)."

The six Centre Region municipalities adopted an updated Agreement in late 2020 to streamline the functioning of the Board of Appeals.

During the February 22, 2021 COG meeting, the General Forum unanimously forwarded a slate of members to the Centre Region Building and Housing Code Board of Appeals as recommended by the Public Safety and Executive Committees to municipalities for appointment by way of the following motion:

That the General Forum forward the following nominations to the member municipalities for appointment to the Centre Region Building and Housing Board of Appeals for the identified terms:

Douglas Henry, R.A (Three-year term, April 1, 2021 – March 30, 2024)
Chad Maholtz (Three-year term, April 1, 2021 – March 30, 2024)
Brian Walker, P.E. (Three-year term, April 1, 2021 – March 30, 2024)
J. Michael Leakey, R.A. (Two-year term, April 1, 2021 – March 30, 2023)
Scott Good, P.E. (Two-year term, April 1, 2021 – March 30, 2023)
Ryan Solnosky, Ph.D., P.E. (One-year term, April 1, 2021 – March 30, 2022)
Alan Popovich, R.A. (One-year term, April 1, 2021 – March 30, 2022).

It is recommended that the Board approve the above appointments

b. **Public Works – no items**

c. **Planning & Zoning**

1) **Preliminary/Final Subdivision Plan; Muroski-Hardison-Smith Lot Line Adjustment**

The purpose of this plan is to replot two existing parcels: 18-2-9K (Lot 5R) and 18-2-9G (Lot 9G). This replot will turn Lot 5R into Lot 5RR and Lot 9G into Lot 9G-R. Lot 5RR will decrease from 17.08-acres to 3.51-acres. Lot 9G-R will increase from 2.83-acres to 16.40-acres. All structures are existing. No new development is proposed.

The following items were included with the agenda:

1. Location Map
2. Patton Township Staff Plan Review Comments
3. State College Borough Water Authority, Alpha Fire Company, and COG Refuse and Recycling Comments
4. 11" x 17" Plan Set

8. **CONSENT AGENDA (Continued)**

c. **Planning & Zoning (Continued)**

1) **Preliminary/Final Subdivision Plan; Muroski-Hardison-Smith Lot Line Adjustment (Continued)**

The Planning Commission recommended conditional approval with completion of all items noted on each comment letter provided by staff.

It is recommended that the Board conditionally approve the subject plan as noted above.

2) **Lot-Line Adjustment to Land Development Plan; Gray's Pointe, Phase 6b, Gray's Woods PC**

The site of this Minor Alterations Subdivision Plan is located within the Gray's Woods Planned Community Gray's Pointe neighborhood Phase 6B. This is the second alteration to this phase and is shifting the common side lot line of lots 74 & 73. The proposed relocation shifts the line 1' towards lot 73 reducing it to .119-acres and increasing lot 74 to .122-acres. This lot line relocation will keep side set-backs consistent and compliant for both parcels.

The following items were included with the agenda:

1. Location Map
2. Patton Township Staff Plan Review Comments
3. Alpha Fire Company Comments
4. 11" x 17" Plan Set

The Planning Commission recommended conditional approval with completion of all items noted on each comment letter provided by staff.

It is recommended that the Board conditionally approve the subject plan as noted above.

d. **Administration**

1) **Minutes February 10, 2021**

The draft minutes of the last Board 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.

2) **February 2021 Voucher Report**

A copy of the February 2021 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 subject Voucher Report.

8. **CONSENT AGENDA (Continued)**

d. **Administration (Continued)**

3) **Fee Schedule Revision – Update for Right-to-Know Law (RTKL) Record
Reproduction Fees**

The State's Office of Open Records (OOR) published an updated [Official RTKL Fee Schedule](#) on December 20, 2020. This schedule sets maximum fees a municipality or agency may charge to provide copies of records for a RTKL request. In accordance with past practices, the Manager has drafted an update to the Township's Fee Schedule that continues to set the fees at the maximum amount permitted. A municipality or agency can only charge fees for reproduction of copies as permitted in the OOR schedule – see text box for additional limitations:

For Your Information (Source: OOR Fee Schedule)

Fee Limitations: Except as otherwise provided by statute, the RTKL states that no other fees may be imposed unless the agency necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for an agency's review of a record to determine whether the record is a public record subject to access under the RTKL. No fee may be charged for searching for or retrieval of documents. An agency may not charge staff time or salary for complying with a RTK request. No fee may be charged for an agency's response letter.

The changes include:

- Reduction in costs per copy when more than 1,000 pages are included
- Increase in costs per copy for color copies
- Reduction in costs when CD/DVDs are provided

A copy of the proposed Resolution 2021-004, Fee Schedule Revision is included with the agenda materials.

It is recommended that the Board adopt Resolution 2021-004

Ms. Robb moved to approve the Consent Agenda. Seconded by Ms. Whitman, the motion passed 5-0.

9. **MANAGER'S REPORT**

Mr. Erickson reported 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 - Cancelled
 - [3] April 30-May 1 Household Hazardous Waste collection
 - [4] May 18 – Municipal Primary Election

10. **COMMITTEE REPORTS**

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

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

11. **OTHER BUSINESS**

Ms. Robb wanted to acknowledge Catherine Alloway for her 50 years of dedication to public libraries and Victoria Rusnak for her 35 years of dedication to PennDot.

Ms. Theis stated that Mr. Erickson is quoted in the Towne and Gown in regards to Patton Crossing.

12. **ADJOURN**

Mr. Abrams moved to adjourn the March 10, 2021 Board of Supervisor's Meeting at 6:50PM. Seconded by Ms. Robb, the motion passed 5-0.

Douglas J. Erickson, Township Secretary

Draft