

**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)  
Susan Wheeler, PW Project Manager(via tele-conference)

AUDIENCE	(all via tele-conference) David Gaines, Phoenix Academy Sarah Dunkle, Parent Steven Eskey, Resident Finde Reichert, Coach Gregory Huff, Resident Steve Wistar, Pickleball Player Eve Bellinger, Resident Rebecca Corradetti, Resident Alan Friedlander, Resident Audrey McDonough, Resident Jim Payne, Resident Trish Meek, CRPA	C-NET Mike McAfee, Parent Dana Haines, Parent Evan Meyers. Phoenix Academy Mailene Kwock, Resident Brandon McDonough, Resident Wayne Wall, Pickleball Player Rick Milgrub, Resident Paul Anderson, Resident Theresa Vescio, Resident Drew VonTish, Pickleball Player Benjamin Jones, Resident
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**1. CALL TO ORDER**

Mr. Trevino, Chair, called the May 26, 2021 Board of Supervisor meeting to order at 5:00PM.

**2. PUBLIC COMMENTS**

There were no public comments.

**3. PRESENTATIONS / PUBLIC HEARINGS**

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

A prospective tenant of 118 Hawbaker Industrial Drive, formerly WESCO Lighting, had submitted a request to 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, and comments from the Manager regarding some statements in the request letter.

On March 24th Board referred the matter to the Planning Commission who reviewed the request at their April 5<sup>th</sup> meeting. On March 24th the Board also directed staff to submit the request to College Township for a recommendation under the Intermunicipal Zoning Agreement for Industrial and Multi-family Uses.

**3. PRESENTATIONS / PUBLIC HEARINGS (Continued)**

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

The Planning Commission recommends approval of adding Fitness Centers to the list of permitted conditional uses in the I-1 district.

The College Township Council also reviewed the request at their April 1<sup>st</sup> meeting and recommend approval.

The agenda materials also included comment letters from the Centre Regional Planning Commission and the County Planning Office. One public comment has been received and was included with the supplemental materials.

**1) Public Hearing**

The Board convened the Public Hearing for proposed Ordinance 2021-618 to Add 'Fitness Centers' as a Conditional Use in the I-1 (Industrial) District at 5:06PM.

Mr. Gaines, Mr. McAfee, Ms. Dunkle, Ms. Reichert, and Ms. Haines all spoke in favor of the proposed change.

Mr. Eskey asked about the former location of the facility. Mr. Myers replied that most of the kids participated with the Nittany Gymnastics Academy which the owners sold the building and the main coaches want to reopen a new facility.

The Board closed the Public Hearing for proposed Ordinance 2021-618 to Add 'Fitness Centers' as a Conditional Use in the I-1 (Industrial) District at 5:19PM.

**2) Action Consideration**

Ms. Robb moved to approve Ordinance 2021-618 to Add 'Fitness Centers' as a Conditional Use in the I-1 (Industrial) District or identify revisions or further information needed before further consideration. Seconded by Mr. Abrams, the motion passed 5-0.

**3. PRESENTATIONS / PUBLIC HEARINGS (Continued)**

**b. Noise Complaint – Green Hollow Park Pickleball Courts**

At the May 12<sup>th</sup> meeting the Board heard from Township residents about noise issues related to the pickleball courts in Green Hollow Park in Park Forest neighborhood. They requested that the Board stop all play on the courts pending a review of other options. Many pickleball players also submitted written comments and/or spoke at the meeting in favor of letting play continue. A total of 60 written comments were reviewed by the Board members on this matter.

At the end of the discussion on May 12 the Board directed staff to:

1. Post signage at courts limiting weekend hours to 10am to 5pm.
2. Obtain cost estimates for a range of sound mitigation options from putting fabric on the existing fence to a "Cadillac" installation using BMP's for sound reduction.
3. Convene a committee to review options/mitigations and propose solutions to the Board at the May 26<sup>th</sup> meeting.

### 3. PRESENTATIONS / PUBLIC HEARINGS (Continued)

#### b. Noise Complaint – Green Hollow Park Pickleball Courts (Continued)

The initial meeting of the Advisory Committee for Green Hollow Pickleball was on Wednesday, May 19<sup>th</sup> and included Drew Van Tish (pickleball player), Steve Wistar (pickleball player), Alan Friedlander (Park Forest Ave resident), Ken Hickman (PT RAC), and Jim Carpenter (Parks Manager, CRPR). The Manager and PW Project Manager, Susan Wheeler, are providing staff support. The summary for the meeting was attached.

Stephan Garcia has been added to the committee. A follow-up meeting was held on May 24; the summary and agenda of the meeting were included with the supplemental distribution of agenda materials (Item 3b.3).

The Committee makes the following consensus recommendation for the Board's consideration as a short term compromise to be in place until August 1<sup>st</sup> (this provides time to gauge the effect of 5 new courts being available at the Y at the end of June):

- Continue 10 am to 5 pm hours of play on Saturday and Sunday
- Limit hours of play Monday to Friday to 8 to 11 am, 1 to 4:30 pm & 6:30 to 9 pm
- Begin education/encouragement of players to use quiet (aka green zone) paddles and/or balls
- Begin research into acoustic study standards/options with goal to conduct a "before" study before the end of June

The Advisory Committee will continue to meet to review options and work towards a longer term solution.

The agenda materials included public comments received since the last meeting and prior to noon, May 20<sup>th</sup>. Any further public comments, submitted between then and 4 pm on May 26, will also be provided to the Board members for review.

The Board asked for public comments on the revised hours for Monday to Friday.

Mailene Kwock stated that due to her work, the evening hours are the only time when sshe can play.

Mr. Eskey stated that he is concerned about the parking on Sierra Lane.

Mr. Huff stated he had a confrontation with players about his kid riding his bike on the pickleball court on May 15<sup>th</sup>.

Mr. McDonough stated he is concerned about parking and asked about moving forward with acoustics study.

Mr. Wistar stated as a Committee member that he is aware of the concern about changing of the hours to accommodate everyone.

Mr. Wall suggested another compromise with the hours might be 10am to 8pm.

Ms. Bellinger stated she is concerned about the traffic on Norwood Lane and Sierra Lane.

### **3. PRESENTATIONS / PUBLIC HEARINGS (Continued)**

#### **b. Noise Complaint – Green Hollow Park Pickleball Courts (Continued)**

Mr. Milgrub stated that with the current hours that about 2/3 of the people cannot utilize the courts. He asked that the non-YMCA members have input. He suggested splitting parking on the two streets with a maximum number of cars.

Ms. Corradetti stated her main concern is parking.

Mr. Anderson stated he is concerned about the parking. He stated this is like trying to force a regional park in a community park.

Mr. Friedlander suggested looking at moving the courts. He stated that they live about 120ft away from the court and the noise is a problem.

Ms. Vescio asked about better representation across the board for the committee and coming up with more creative ideas.

Ms. McDonough stated that she is concerned about how this park is not large enough to accommodate this. She suggested spending the money into a regional park instead of spending money investigating this issue.

Mr. VonTish stated that there is not an official league.

Mr. Payne stated that parking is an issue and the sport keeps growing so getting rid of the courts is a disservice to the residents.

Mr. Abrams suggested looking at other parks for pickleball courts like Bernel Road Park and Circleville Park.

Ms. Theis suggested that the pickleball players car pool. She stated that the line of sight issue at Cornwall and Sierra was brought to her attention as well and agrees about adding two more members to committee.

Ms. Robb would like to suggest having more people on committee from Sierra Lane.

Ms. Whitman agree adding more members to the committee. She stated that she does not want to spend a lot of money if courts could be at another park.

Ms. Theis suggested looking at adding courts to Bernel Road Park during the expansion.

Mr. Trevino recommended we replace one of the Y players with a female, non-Y player; he suggested adding Ms. Terri Vescio and Steve Wistar offered to go off the committee. By consensus, the Board agreed.

Mr. Trevino suggested the Monday through Friday hours be 9am to 7pm as a temporary measure.

Ms. Theis suggested taking down two nets temporarily. There was no additional support on the Board for the proposal and Ms. Theis withdrew her proposal.

Ms. Whitman moved to reduce the hours to Monday through Friday from 9am to 7pm temporarily. Seconded by Ms. Theis, the motion passed 5-0.

#### 4. **PUBLIC SAFETY**

##### a. **Update: Policy Discussion on Standards for Use of Deadly Force**

As a part of the national conversation regarding policing, the Board of Supervisors is engaging with the Township's Police Department and Township residents to review and discuss various aspects of police operations. These discussions began in June of 2020 and to date have led to policy updates/changes related to procurement from federal surplus programs and the execution of search warrants.

At the April 14<sup>th</sup> meeting the Board received presentations of prior information that had been provided on the "Use of Deadly Force by Police" including:

- Pennsylvania Law on Use of Deadly Force from the PA Crimes Code
- Current Township Police Department Policy on Use of Deadly Force
- Proposed model policy, developed by resident Ben Jones

At the April 28<sup>th</sup> meeting the Board received a proposal from Chief Jolley for changes to be made to the Department's policy on Use of Deadly Force.

On May 12<sup>th</sup> and 13<sup>th</sup> the Manager, Chief Jolley, and Dr. Jones held Listening Sessions to collect input from area residents and respond to questions about the Patton Township Police Department. Recordings of these sessions can be found on the [Police page](#) of the Township's website.

An updated proposal for changes to the Department's Use of Deadly Force Policy was included with the agenda materials along with the model policy previously offered by Dr. Jones.

If the Board arrives at a consensus on a draft policy, the tentative schedule for this matter would be:

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.

Chief Jolley stated that the policies and procedures should be the same across the Centre Region. He stated that comparing the City of Philadelphia and Patton Township is like comparing apples and oranges.

Mr. Abrams stated that we are not police experts and feel that we need to go with our own leadership and trusts Chief Jolley.

Dr. Jones stated it is important to be proactive to this instead of waiting for a mistake.

Ms. Robb suggested Terry Watson and Iris Richardson give input.

Ms. Theis supports Dr. Jones' model policy.

Ms. Robb asked who will review this next. Chief Jolley stated it would go to the Patton Township Police Officer Association next.

Ms. Whitman stated she supports Dr. Jones' model policy.

Mr. Erickson and Ms. Dupuis will work on a compromise policy and come back to the Board in July.

#### 4. **PUBLIC SAFETY (Continued)**

##### a. **Noise Waiver Request for 955 Toftrees Ave**

Bruce and Susan Heim of 955 Toftrees Avenue have requested a waiver from the prohibition for amplified music for a planned event at their home on Saturday, May 29<sup>th</sup>. Specifically, they ask for a waiver to be in place from 5:30 to 10:30 pm. A location map and a copy of the waiver application was included with the agenda materials.

The Board's decisions on waivers such as this are governed by Section 105-7 of the Code:

**105-7.** Waivers for special events.

- A.** In reviewing a request for a waiver, the value of affording residents a quiet night's sleep will always far outweigh an applicant's desires. In almost all circumstances, a request for a waiver that would impact a residential section or nearby lodgings and dwellings will be denied.
- B.** Written applications for a waiver to this article shall be submitted to the Board of Supervisors at least 60 days prior to the event.
  - (1)** No special meetings of the Board will be called to consider a request.
- C.** The application must be submitted on the form provided by the Township (Waiver Application<sup>11</sup>).
- D.** The Board may engage with a requestor to determine the least intrusive method available to address the applicant's needs while still protecting residents.
- E.** All decisions by the Board for a waiver will be in writing. Approvals may be conditioned on the applicant's agreement to undertake certain mitigating actions. Denials shall state the Board's rationale for not approving the request.
  - Approve the waiver as submitted
  - Approve the waiver with conditions (or modifications)
  - Deny the waiver with rationale (e.g. adverse impact on neighboring properties).

Mr. Abrams moved to approve the Noise Waiver Request for 955 Toftrees Avenue. Seconded by Ms. Theis, the motion passed 4-1 with Mr. Trevino abstaining.

#### 5. **PUBLIC WORKS**

##### a. **Application for League of American Bicyclists Designation as a "Bicycle Friendly Business"**

In February, the Recreation Advisory Committee (RAC) recommended that the Township should consider submitting an application to be designated a Bicycle Friendly Business. Previously the League of American Bicyclists has made the following designations for the local area:

- State College-Centre Region - Silver Bicycle Friendly Community,
- Centre Region Council of Governments (COG) - Silver Bicycle Friendly Business,
- State College Borough - Gold Bicycle Friendly Business, and
- Penn State University - Gold Bicycle Friendly University.

5. **PUBLIC WORKS (Continued)**

a **Application for League of American Bicyclists Designation as a “Bicycle Friendly Business” (Continued)**

The RAC felt the Township should actively seek a designation because of the demonstrated commitment the Township has shown in providing safe cycling opportunities. The construction and winter maintenance of Shared Use Paths (Circleville and Valley Vista), the maintenance of paths such as the Bellefonte Central Rail Trail (BCRT), marked bike routes, and other facilities are some examples of a bicycle friendly business. Additionally, the adoption of the *Patton Township Parks and Bicycle/Pedestrian Path Plan 202-2029* shows an ongoing commitment to new connections and projects.

The application was included in the agenda materials. The application is due June 10<sup>th</sup>

Ms. Whitman moved to approve the Application for League of American Bicyclists Designation as a “Bicycle Friendly Business”. Seconded by Mr. Abrams, the motion passed 5-0.

b. **Department of Environmental Protection (DEP) Grant Agreement for Brush Collection Equipment**

The Township has been awarded a \$206,923.00 grant towards the purchase of a wheeled excavator/tool carrier that would be used to load brush from the curbside into trucks for recycling. The grant amount is 90% of the quoted cost from last year.

As with many products related to construction over that past year-plus, there has been a larger than expected price increase for this equipment. The current quote is \$18,507 more than the price used in the grant application. There are sufficient reserves in the Public Works Equipment Reserve Fund (see agenda materials, Item 5b.3) to cover this cost over-run.

This equipment will replace an aging mini-excavator and will increase productivity in brush collection and has a useful life of 15 to 20 years.

The Manager recommends approving the grant agreement and subsequent order, upon complete execution of the agreement by DEP, of the 2021 JCB Hydra Dig 110, as quoted, from Stephenson Equipment, Inc., for \$248,421.60.

Ms. Theis moved to approve the Grant Agreement for Brush Collection Equipment. Seconded by Ms. Robb, the motion passed 5-0.

Ms. Robb moved to approve to purchase a 2021 JCB Hydra Dig 110 as quoted from Stephenson Equipment, Inc. for \$248,421.60. Seconded by Ms. Whitman, the motion passed 5-0.

6. **PLANNING & ZONING – no items**

## 7. **ADMINISTRATION**

### a. **Recommendation to Rescind Local COVID-19 Regulations**

Based on the latest guidance from Pennsylvania Department of Health (DOH) and the U.S. Centers for Disease Control (CDC) the Manger recommends rescinding the current version of the Ordinance (2021-617) adopted on April 28. If the ordinance is rescinded, any enforcement actions would then be based on orders issued by the Pennsylvania Department of Health (DOH) and laws of the Commonwealth.

A press release clarifying that the Township was following CDC guidance for fully vaccinated people was sent out on May 19<sup>th</sup>. A copy of the press release and the following referenced documents is included in the agenda materials:

- Patton Township Ordinance 2021-617 Amended Emergency Ordinance for Face Coverings and Gathering Limits
- November 17, 2020 Updated Order of the Secretary of the PA DOH Requiring Universal Face Coverings
- March 16, 2021 Order of the Acting Secretary of the PA DOH Amending the 11/17/2020 Order
- May 13, 2021 CDC guidance on Interim Public Health Recommendations for Fully Vaccinated People

Rescinding the ordinance would lift these last remaining local restrictions:

#### **SECTION 5. Limitations on Gathering Size.**

Gatherings of persons that are not from the same household shall be limited as follows:

- A. In all housing types indoor gatherings of more than twenty-five (25) persons and outside gatherings of more than one hundred (100) persons shall be prohibited.
- B. Indoor gatherings of more than fifty (50) persons and outside gatherings of more than one hundred (100) persons shall be prohibited at or in Township of Patton public parks and any other municipal property.

The latest order (April 1, 2021) from the PA DOH on gathering sizes and business occupancy is also included with the agenda materials.

Mr. Abrams moved to direct the Patton Township Police Department to suspend any enforcement actions related to Ordinance 2021-617. Seconded by Ms. Whitman, the motion passed 5-0.

### b. **Future Meeting Format**

The Board should begin a discussion of format for future meetings – continue meeting virtual or transitioning to hybrid or in-person meetings.

The Second Class Township Code has the following requirements for Board meetings:

Section 603. Monthly Meetings; Quorum; and Voting.--The board of supervisors shall meet for the transaction of business at least once each month at a time and place determined by the board of supervisors. A quorum is two members of a three-member board of supervisors or three members of a five-member board of supervisors. An affirmative vote of a majority of the entire board of supervisors at a public meeting is necessary in order to transact any business.

**7. ADMINISTRATION (Continued)**

**b. Future Meeting Format (Continued)**

The above does not mandate the physical presence of a quorum of Supervisors, as is required by the [PA Borough Code](#) (see Section 1001). The PA Legislature did provide that all municipalities can meet virtually under the pandemic, but it is not clear what will happen, if anything, with Second Class Townships when this current legislation is repealed or expires.

It is the Manager's opinion that the Board may continue to meet virtually until further information or guidance is provided by the Commonwealth.

The Board unanimously agreed to make no changes.

**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) Bid Award – Toftrees/ Fox Hollow Traffic Signal Repairs**

One of the signal poles at this intersection was struck by a vehicle in 2019. Temporary repairs were made at that time and an insurance claim was filed to recover damages.

On May 4<sup>th</sup> the Public Works Department reviewed the single bid submitted for this project to replace the damaged pole and install some upgrades for the intersection. The project estimate was \$90,000.

The Department recommends award of the contract to M and B Services, LLC of Clarion, Pennsylvania for \$89,271.00

**It is recommended that the Board approve the award as recommended.**

**c. Planning & Zoning – no items**

**d. Administration**

**1) Minutes March 24, 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. A minor revision is included on page 6 of Item 8d1R.

**It is recommended that the Board approve the subject minutes.**

8. **CONSENT AGENDA (Continued)**

d. **Administration (Continued)**

2) **April 2021 Voucher Report**

A copy of the April 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.**

3) **Bid Award - Abington Equine Hospital Sitework**

This is a public/private partnership/economic development project partly funded by the Commonwealth Department of Community and Economic Development through a Keystone Communities Program grant of \$370,000. Dr. Catherine Radtke, DVM is constructing a full service equine hospital facility that will serve a large portion of the Central Pennsylvania equine market. The Township serves as the eligible grant sponsor and Dr. Radtke is responsible for all costs beyond those covered by the grant.

On April 6 the Township received and opened eight bids for the project. The Project Engineer recommends that the contract be awarded to the low bidder, John Claar Excavating, Inc., of Woodward, PA, which includes the base bid as well as the (1) alternate bid, for the total lump sum price of \$418,030.00.

Manager's note: If the property has not transferred to Dr. Radtke by May 10 <sup>th</sup> , this item will be moved to the May 26 <sup>th</sup> agenda.
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**It is recommended that the Board approve the award as recommended.**

Mr. Abrams 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

- a. Correspondence (enclosed)
  - [1] Notices sent to businesses regarding temporary signage
  - [2] CBICC notice on search for next CEO
  - [3] CATA Public Hearing on Fall Service Changes and Fare Increase
- b. Project updates
  - [1] Bernel/Fox Hill Intersection Improvements; Mr. Erickson explained that night work would be required to finish the project safely. The Board had no objections to Mr. Erickson approving a waiver for night work.
- c. Upcoming Events
  - [1] Township Office Schedule
    - May 31 – Memorial Day, Office Closed
    - July 5 – Independence Day (Observed), Office Closed

## 10. COMMITTEE REPORTS

### Solar Power Purchase Group, May 12 (report enclosed, Item 10a.1)

Timeline for RFP for Energy Consulting Services  
Release of RFP For Energy Consulting Services  
Timeline for the Energy Project (Existing Contract Renewals)

### Finance, May 13 (report enclosed with supplement, Item 10a.2)

Financing of Pools and Regional Parks Loan  
Library and Active Adult Center Formula Calculations  
Update Regarding the Boardwalk at Millbrook Marsh Nature Center  
Consider a Budget Amendment to Fund an Engineering Consulting Services Contract to Prepare Phase I of a Source Water Risk Assessment

### Parks Capital, May 13, (report enclosed with supplement, Item 10a.3)

Millbrook Marsh Nature Center Boardwalk Feasibility Study  
Whitehall Road Regional Park Project Update & Discussion

### Exec, May 18

Partnering With Solar United Neighbors To Create A Co-Op In The Centre Region  
Return To In-Person And Hybrid Meetings Discussion  
Consider a Budget Amendment to Fund an Engineering Consulting Services Contract to Prepare Phase I of a Source Water Risk Assessment  
Financing of Pools and Regional Parks Loan  
Assessment Of The COG Formula  
Recess To An Executive Session To Discuss A Personnel Matter

- c. Patton Township Housing Task Force, May 25 (report enclosed with supplement, Item 10b)
- d. State College Borough Water Authority (3<sup>rd</sup> Thursday)
- e. Centre Area Cable Consortium, as needed – Trevino (did not meet)
- f. Spring Creek Watershed Commission, May 19 – Mason (report enclosed with supplement, Item 10e)
- g. Centre County Metropolitan Planning Org., April 27 – Robb, Abrams Alt.
- h. Centre County Airport Authority, (4<sup>th</sup> Thursday) (report enclosed)

## 11. OTHER BUSINESS

There was no other business.

## 12. ADJOURN

Ms. Whitman moved to adjourn the May 26, 2021 Board of Supervisor's Meeting at 8:41PM. Seconded by Ms. Robb, the motion passed 5-0.

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Douglas J. Erickson, Township Secretary