

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, January 18, 2010
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, January 18, 2010 at the Ferguson Township Municipal Building. In attendance were:

Board: Richard Killian, Chairman
Robert Heinsohn
Steve Miller
Bill Keough
George Pytel

Staff: Mark Kunkle, Township Manager
Trisha Lang, Director of Planning and Zoning
David Modricker, Director of Public Works
Diane Conrad, Chief of Police

Others in attendance included: Marsha Buchanan, Recording Secretary; John Spychalski and Hugh Mose, CATA; Sue Mascolo, CRPR; Ron Woodhead, Director of Parks and Recreation; Walter Patton, SCBWA; John Imbt, developer; Tom Comitta, Town Planner and Landscape Architect; Dick Mascolo, Planning Commission; John Walsh, EPG; Bill Spedding, Penn Terra Engineering; Albert Drobka; and Marc McMaster.

II. CALL TO ORDER

Mr. Killian, Chairman, called the January 18, 2010 meeting to order at 7:00 pm. He said directly following this meeting there will be an Executive Session to discuss Personnel issues.

III. ABC REPORTS

1. CATA – John Spychalski

Mr. Spychalski commented on the following: Ridership – Overall the community service routes had an increase of 4% for December 2009; Marketing – They are trying to use the electronic medium to market service more effectively; Equipment – They have sent the first of several buses to Coachcrafters in Florida. It looks like the cost will be at the low end of the expected range. They also received two buses from Indiana, PA, to trade for three other units.

CATA is closing in on an agreement with the University to operate a trial program of late night loop services requested by the University Park undergraduate student association. Hugh Mose reported that during a test run on that, they had some astounding results on ridership. Each night during the trial run from 2:20-4:20 am, they carried about 600 riders. They were able to work with the University transportation services to address this need.

Lastly, Mr. Spychalski provided a summary of ridership statistics from 1997-2009.

2. Centre Region Parks and Recreation – Sue Mascolo

Ms. Mascolo provided an overview of the 2009 Parks and Recreation highlights. She talked about Park and Program Operations, Special Facility Operations, Pool Renewals, and the Regional Parks Initiative. She provided the Active Guide for Board members to review, highlighting the Oak Hall and Whitehall Regional Park plans. Mr. Keough commended CRPR staff for including detailed information about the Tudek Dog Park, as well as the community gardens, which reflect the kind of diversity the Centre Region tries to provide.

3. SCBWA – Walter Patton

Mr. Patton provided an overview of what happened in Ferguson Township in 2009. The only item projected for 2010 is on West Whitehall Road as part of the PADOT widening proposals. Some water lines need to be replaced with water lines of a shallower depth. No rate changes are proposed for 2010.

Mr. Patton said Water Authority crews have installed some radio red units. When finished, this will make meter reading faster, more accurate, and safer. Water industrial goals are to keep water losses below 10%..

IV. PUBLIC HEARINGS – ORDINANCES

- 1. PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES, APPENDIX H, STREETS AND SIDEWALKS, BY ACCEPTING AS PUBLIC STREETS, THE FOLLOWING: (1) A DEED OF DEDICATION FROM S&A CUSTOM BUILT HOMES, INC., NOW KNOWN AS S&A HOMES, INC., FOR A SECTION OF PRAIRIE ROSE LANE IN FOXPOINTE PRD, SECTION 1D (HUNTER'S CHASE) PHASE 7, FINAL PRD PLAN; (2) A DEED OF DEDICATION FROM S&A CUSTOM BUILT HOMES, INC., NOW KNOWN AS S&A HOMES, INC., FOR A SECTION OF MEADOWHAWK LANE IN FOXPOINTE PRD, SECTION 1D (HUNTER'S CHASE) PHASE 7, FINAL PRD PLAN; AND (3) A DEED OF DEDICATION FROM S&A CUSTOM BUILT HOMES, INC., NOW KNOWN AS S&A HOMES, INC., FOR A SECTION OF HARVEST RUN ROAD IN FOXPOINTE PRD, SECTION 1D (HUNTER'S CHASE) PHASE 7, FINAL PRD PLAN**

Mr. Modricker explained the location of these streets on the map. Mr. Kunkle said the deeds have been received.

Mr. Pytel made a motion to adopt Ordinance 929, amending the Code of Ordinances accepting portions of streets known as Prairie Rose Lane, Meadowhawk Lane, and Harvest Run Road. Mr. Miller seconded the motion. With Mr. Heinsohn, Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

V. PUBLIC HEARINGS

- 1. A PUBLIC HEARING ON THE PINE HALL TOWN CENTER GENERAL MASTER PLAN AND TERMS AND CONDITIONS**

On December 14, 2009 the Board received a presentation on the Pine Hall TTD General Master Plan and the draft Terms and Conditions and Transportation Improvements Agreement. On January 4th the Board continued discussion of the draft Terms and Conditions for approval of the plan.

Mr. Kunkle provided an outline of unresolved issues for the Terms and Conditions, which highlighted Land Use, Phasing, and Workforce Housing. As far as the Transportation Improvements Agreement, the traffic impact study completed for the Pine Hall Town Center includes two areas of offsite

improvements that are reflective of the traffic impacts from the Town Center. A lengthy discussion ensued.

Given the number and magnitude of the outstanding issues surrounding approval of the General Master Plan Terms and Conditions and the Transportation Improvements Agreement, Mr. Pytel made a motion to continue the public hearing for the Pine Hall Town Center until February 1, 2010. Mr. Heinsohn seconded the motion. The motion passed unanimously.

2. PUBLIC HEARING ON A CONDITIONAL USE

The Pine Hall Town Center anticipates encroachment within the mapped Nolin Soils on the site. The Flood Plain Management regulation of the Zoning Ordinance 801E was provided for the Board's review.

Mr. Heinsohn made a motion to defer action on a conditional use within the Nolin Soils of the Pine Hall Town Center Master Plan until a Specific Implementation Plan is submitted for phases of the General Master Plan where Nolin Soils are indicated on the Centre County Soils Map. Mr. Pytel seconded the motion. The motion passed unanimously.

VI. ACTION ITEMS

1. RANDALL G. ALBRIGHT SUBDIVISION PLAN AND SEWAGE PLANNING MODULE

This project involves the subdivision of an existing farm parcel into two farms divided by the location of Marengo Road. Neither of the proposed lots has any additional development rights and no improvements are proposed. In addition to the plan approval, two modifications to the Subdivision and Land Development regulations have been requested – 1) a request to exempt the property from locating two acceptable onsite sewage system absorption areas that are required for each potential dwelling on each of the proposed lots; and 2) a request to relieve the applicant from a park land fee in lieu contribution. Both modifications have been recommended for approval by the Planning Commission.

Mr. Miller made a motion to approve the Randall G. Albright Final Subdivision Plan and Sewage Planning Module, subject to completion of the outstanding conditions for approval as set forth in the Director of Planning and Zoning memorandum dated January 13, 2010 and approve modification requests for two acceptable onsite septic system absorption areas for each potential dwelling unit and a modification exempting the applicant from a park land fee in lieu contribution. Mr. Heinsohn seconded the motion. The motion passed unanimously.

2. THISTLEWOOD LOT #45 FINAL LAND DEVELOPMENT PLAN

This plan involves the construction of a single family dwelling unit on a lot in the Thistlewood Subdivision. The lot is composed entirely of Andover soils and also contains an area of steep slopes. As with prior Thistlewood lots, the Township's Engineering consultant cannot recommend a basement within the colluvial soils located on the site due to the high water table. Should the applicant desire to move forward with the construction of a dwelling unit with a basement, a hold harmless and indemnification agreement will be required.

Ms. Lang believes they already completed a hold harmless agreement. There is language on a deed for the property and a note on the plan as well. A hold harmless agreement would be a condition for approval.

Mr. Pytel made a motion to approve the Thistlewood Lot #45 Final Land Development Plan, subject to completion of the outstanding conditions for approval as set forth in the Director of Planning and Zoning memorandum dated January 13, 2010 and with the understanding that a hold harmless agreement will be required. Mr. Miller seconded the motion. The motion passed unanimously.

3. VARIANCE – STATE COLLEGE AREA SCHOOL DISTRICT – FERGUSON TOWNSHIP ELEMENTARY SCHOOL

The school district is requesting a variance to reduce the landscape buffer by eliminating evergreen trees, understory trees, and shrubs, which could conceal a person that might be intent on doing harm to the children at the school.

Mr. Pytel made a motion to recommend that the Zoning Hearing Board grant the partial variance from the buffer requirement, supporting the removal of evergreens, understory growth, and shrubs around the farm land base, but that they be required to install an 8-10 foot fence and not put trees up there at all. Mr. Miller seconded the motion. The motion passed unanimously.

4. DISCUSSION OF STOP INTERSECTION – TADPOLE ROAD AND WHITEHALL ROAD

The Public Works Engineering Section completed a review of Township records. Based on accident data for the past three years, there does not seem to be a safety problem, but this does not mean that motorists are not violating the stop intersection.

Mr. Modricker said the current intersection is adequately signed as a two-way stop. He offered the following options for the Board to consider:

1. Maintain two way stop with oversized signs and paint legends;
2. Conduct engineering study to determine if criteria exist for a multi-way stop; or
3. Request Township Engineer to investigate additional safety improvements, such as flashing red light mounted on stop sign or LED solar powered stop sign.

The intersection is currently adequately signed as a two way stop. As a safety measure, oversized stop ahead and stop signs as well as paint markings and legends were installed in 2003 after consultation with PADOT Traffic Safety Engineer. The only comprehensive four way stop study on record was conducted 12 years ago. The 85th percentile speed for vehicles on Whitehall Road at this location is over 40 mph and the speed limit remains posted at 30 mph.

The Board requested that Mr. Modricker look at what could be done as far as signage on Whitehall Road to alert people of an upcoming dangerous intersection, but they agreed that further stop sign research is not necessary.

5. APPOINTMENT OF THE TOWNSHIP CENTRE REGIONAL PLANNING COMMISSION REPRESENTATIVE

Mr. Miller made a motion to appoint Ralph Wheland to the Centre Regional Planning Commission as the Primary Ferguson Township representative and Kevin Abbey as the Alternate representative. Mr. Pytel seconded the motion. The motion passed unanimously.

6. DECEMBER 2009 VOUCHER REPORT

Mr. Heinsohn made a motion to approve the December 2009 Voucher Report. Mr. Pytel seconded the motion. The motion passed unanimously.

7. CONSENT AGENDA

Mr. Pytel made a motion to approve the Consent Agenda. Mr. Heinsohn seconded the motion. The motion passed unanimously.

VII. REPORTS

a. Manager

- Every seven years municipalities that have created Ag Security Areas are required to provide an opt-in/opt-out opportunity for qualified property owners. This process includes appointing an Ad Hoc Ag Security Area Advisory Committee. The Board had a brief discussion on farmers and community members who may be available and interested in being part of the committee. Mr. Kunkle will contact Mr. Irvin, Mr. Wheland, and Mr. Harpster. A Board member will serve as Chair.
- The Storm Water Management Agreement as it relates to the Borough's Maintenance Facility Land Development Plan is not the Township's standard agreement. The Township Solicitor has reviewed the modified agreement and has approved the changes suggested. The Chairman and Secretary need to execute the agreement as a condition of the land development approval.

Mr. Miller made a motion to approve the revised Storm Water Management Agreement. Mr. Heinsohn seconded the motion. The motion passed unanimously.

b. Public Works Director

Mr. Modricker provided detailed information about various 2010 Contracts regarding bids, proposals, and Open House projects.

c. Director of Planning and Zoning

Ms. Lang provided information from the January 11th Planning Commission meeting. She also stated that the Commission will need to address in the coming year (other than the review of subdivision and land development plans) the following: Beaver Avenue Neighborhood Plan; Review of vacant acreage by zoning district; Rezoning analysis for Northland Center property; Review of rental housing policies and guidelines; and Update of Ag Security Area designation.

d. Chief of Police

Chief Conrad drew attention to the increase in health and safety calls, which were mostly substance abuse and mental health calls. Calls for service were about the same as the previous year overall. Citations and tickets were up 27% for the year last year. Parking tickets were up 94%. They now have 2 officers trained in heavy truck inspections. The Township's newest officer, Shawn Slater, will be finished at the Academy in May 2010.

e. COG Committee Reports

- a. *Finance* – Mr. Killian said the Library Director is leaving in April. The Board's support was requested for an open house in late March, which will also be a fundraising opportunity. There will be some expenditures connected to the special recognition. One idea is to push back the desk

about 10 feet to create a more efficient use of space, since this is something Betsy has always wanted. They may eventually be asking for capital funds.

- b. *Human Resources* – Mr. Heinsohn said they had an organizational meeting to review articles of agreement and select officers.
- c. *Public Services and Environmental* – Mr. Heinsohn said they reviewed articles of agreement and dealt with the issue of the recycling rebate.

I. MINUTES

- 1. January 4, 2010 BOS Re-organizational Meeting
- 2. January 4, 2010 BOS Regular Meeting

Mr. Heinsohn made a motion to approve both sets of minutes as presented. Mr. Pytel seconded the motion. The motion passed unanimously.

II. ADJOURNMENT

With no further business to come before the Board of Supervisors, Mr. Kilian adjourned the January 18, 2010 Regular Meeting at 9:54 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 02/01/2010