

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, February 16, 2010
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the year on Tuesday, February 16, 2010 at the Ferguson Township Municipal Building. In attendance were:

Board: Richard Killian, Chairman
Robert Heinsohn
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; Ralph Wheland, Planning Commission; Karen Michael and Heath Brendlinger, PADOT; Harry Marshall; Jim Canner; David Gold; and John Nigon.

II. CALL TO ORDER

Mr. Killian, Chairman, called the meeting to order at 7:02 pm. He said prior to this regular meeting, the Board held an Executive Session to discuss potential land acquisition. He also noted that during a public work session on February 15th, the Board discussed the W. College Avenue Terraced Streetscape proposal and decided to refer its comments on the draft ordinance to the Planning Commission for their review and comment. Mr. Heinsohn made a motion to refer comments regarding the draft ordinance of the W. College Avenue Terraced Streetscape proposal to the Planning Commission for their review. Mr. Pytel seconded the motion. The motion passed unanimously.

III. ACTION ITEMS

1. PENNDOT PRESENTATION ON PINE GROVE MOUNTAIN TRUCK PULL-OFF AND ESCAPE RAMP PROJECT – KAREN MICHAEL, P.E. AND HEATH BRENDLINGER, P.E. – DISTRICT 2-0

Letters have been sent to adjacent property owners and Mr. Kunkle has asked the Pine Grove Mills Community in Action group to send an email notice to its list serve. This project is the first of two planned projects to improve truck safety on Pine Grove Mountain. A second project would involve construction of a second truck escape ramp farther down the mountain and closer to the village of Pine Grove Mills, but has not been funded for construction and is part of the LRTP update.

Heath Brendlinger presented the Pine Grove Mills Truck Pull-off and Escape Ramp project. Both parts of the project are within the Rothrock State Forest property. The project extends from the top of the mountain down to just before the first curve coming into Pine Grove Mills. At the top of the mountain, trucks will come to a complete stop, then proceed down the mountain and merge back into traffic. There will be a 40-foot-wide paved area for the PADOT weight team to pull over vehicles and perform random inspections. This will fit two trucks. Drainage will be replaced as part of this project. They will also be realigning part of the forestry road so it comes out at a more suitable location.

The truck escape ramp consists of a paved entrance and a 594-foot-long gravel bedded ramp designed for an 80,000 lb. truck traveling at 90 mph to come to a complete and total stop before reaching the

end. The project also contains overhead lights to light the entrance of the escape ramp during nighttime hours. They are looking to bid the project in April 2010, with the construction most likely being complete in November 2010, at a cost of about \$2 million.

2. DISCUSSION OF HOMEOWNER ASSOCIATION RESPONSIBILITIES AND OBLIGATIONS

In January, Board members Bob Heinsohn and Bill Keough raised concerns about Homeowner Associations (HOA). These concerns arose from the problems presented to the Board by property owners in the Westfield Subdivision due to the failure of Don Coyne to formally convey the obligations and responsibilities of the Ferguson Westfield HOA from himself to the property owners. Mr. Coyne legally created the Ferguson Westfield HOA but did not meet with the property owners who were members of the Association to elect officers and transfer the HOA responsibilities, business records, etc. This resulted in a failure to maintain and repair the storm water detention facilities that are part of the Westfield Subdivision. There may be a role for the Township to provide some "education" on the responsibilities and obligations of the HOA. At the same time, Mr. Kunkle cautioned the Board on providing any legal advice to answer specific questions that the HOA may have questioning their responsibilities and obligations as they relate to the completed common area improvements.

Mr. Pytel asked what ground the Township has if an HOA does not follow through with a responsibility. Mr. Kunkle said they are a legal entity and would be treated as any other person under the law. The Township's ordinances are clear that the HOA has an obligation to carry out any responsibilities they have been assigned by the Township. The Township does not get involved with the protective or restrictive covenants of an HOA. Mr. Kunkle said if the covenants are able to be changed, they would probably have to be recorded so people buying property within the subdivision would have due notice. Mr. Killian asked if the Township is aware of required HOA responsibilities (maintenance, etc.). Ms. Lang said those areas would be designated on the subdivision plan.

Mr. Keough expressed concern about the varying levels of functionality of HOA's and feels there is a disconnect that needs to be addressed, but he is interested in doing it as softly as possible, without a new ordinance, to improve the communication channels between the Township and our HOA's. He suggested hosting an annual meeting as a Township to provide face to face contact with the officers of each HOA, not to address each HOA specifically but to facilitate communication between the Township and the HOA's in general.

Mr. Killian summarized what the Township is doing currently. The Township annually maintains its database with the president's name and contact information. The Township knows what the obligation of each HOA is and will be made aware through phone calls whether or not responsibilities have been handed off to new officers. Mr. Modricker's office deals with compliance information. Mr. Modricker said the Township is required to do inspections under a permit they have with the state (NPDES). On that permit there is a frequency for inspections. They are regularly looking at all the outfalls and basins. There is other interaction that the Public Works Department has with the HOA's as well.

Harry Marshall, Sunday Drive, commented it is not fair to the homeowners that they accept something that was essentially the developer's responsibilities. The developers put in escrow funds, and those should not be released until all requirements are met. Mr. Marshall believes there should be stringent inspections to assure that things are up to standards before becoming the responsibility of individual homeowners.

Mr. Modricker said the Public Works Department does inspections before they take over public infrastructure. In terms of storm water basins that are owned by HOA's, they do inspections, but they do it according to their own schedule.

Mr. Killian summarized, saying ideas have been voiced to make the communication more active – mailings, annual meetings, etc. He envisions providing additional information for those people interested in seeking such information on HOA's. He suggested doing this on the Township web site.

3. DISCUSSION OF REGIONAL PARKS FUNDING OPTIONS

On February 1st, Mr. Killian and Mr. Kunkle attended a joint meeting of the Regional parks Capital Committee and the CRPR Authority to discuss funding options for completion of the regional parks master plans, as well as the acquisition and improvements being considered for Hess Field. Jim Paschak, Regional Parks Master Plan Consultant, provided information detailing the estimated cost to develop the Whitehall Road Regional Parkland Master Plan and included with that estimate that cost of Oak Hall Regional Parkland and Hess Field update totaling \$18,730,000. Attached to that estimate were four options on how to proceed with completing these improvements:

- Option 1: issue bonds to complete the master plans as presented
- Option 2: issue bonds to construct the sports fields only
- Option 3: pay as you go
- Option 4: pay as you go, developing the sports fields only

Mr. Kunkle provided further specific details on each of the above options. Mr. Killian said the Board needs to simply acknowledge whether it supports its regional parks. He asked if there should be any prioritization on the parks, and which parks the Board supports. Also, the Board should discuss whether it should expect any private cost sharing in this endeavor going forward.

A recommendation is to have the CRPR Authority be the purchasing agency, and the municipalities would guarantee a portion of the general obligation bonds that would be issued for acquisition and development.

Mr. Killian believes that all three parks should be developed as regional parks on a parallel track (all or none). Mr. Killian said a bond issue makes sense. He is confident that other sources of revenue will materialize. He appreciates Mr. Keough's suggestion of seeking out other sources and is not afraid of doing everything all at once. Mr. Heinsohn agreed.

The Board's consensus: There is a real concern about the cost and the burden to taxpayers. All three parks should be built parallel.

4. DISCUSSION OF MULTI-MUNICIPAL LONG RANGE TRANSPORTATION PROJECT SUBMISSIONS

In a letter dated February 2nd, the Centre County MPO requested review of four projects submitted by neighboring municipalities which impact Ferguson Township. One project was withdrawn (the pedestrian bike trail going through Halfmoon Township. The state game commission is not interested in having that type of use through their property. The remaining three projects are as follows:

Eastern Inner Loop

Mr. Kunkle said this impacts College and Ferguson Townships. Since it is a multi-municipal project, there needs to be concurrence by the other municipalities involved.

Mr. Modricker sat through the process when it was studied, and the original drawing showed it on Vairo Boulevard. That is not the position that the Township, Supervisors, or residents supported. There was an environmental assessment done based on the fact that this was coming through a neighborhood, which supported the Vairo Boulevard connection over the Clinton Avenue connection.

Re-blazing

Mr. Kunkle said this is a project that would take the designation of Route 26 and remove the section beginning at Shingletown Road at Route 45. That section would no longer be called Route 26; it would have a new designation beginning at 26/45 and would go out Route 45 toward the Mount Nittany Expressway.

Ms. Lang said the Borough wants to avoid through traffic coming through the Borough. Mr. Kunkle said this project is just for the engineering evaluation. Mr. Killian asked what the benefits of this are to the Centre Region. Ms. Lang said the through traffic on Route 26 going down W. College Avenue in the Township and then through the Borough would potentially be rerouted this way, and they would eliminate some congestion and through traffic trips on W. College Avenue.

Mr. Modricker said one benefit if it did alleviate congestion in the corridor is that it would help with the levels of service the Township maintains there. Mr. Kunkle said the cost for this study would be \$100,000, not \$400,000.

Mr. Killian asked if the study would provide the Township with useful information. Mr. Pytel does not know. He has no problem with the bypass through State College, as long as they extend it to put a bypass around Pine Grove Mills as well. Mr. Kunkle said this study would provide some trip information. Mr. Pytel said the planners can review the previous study, but it does not make sense to spend \$100,000 for a brand new study. Mr. Modricker said there are many types of studies that could be done. Four of the five candidate projects submitted were regarding Pine Grove Mills.

Mr. Killian stated that the project for the Pine Grove Mills bypass is on the LRTP. Mr. Modricker agreed, saying in this last round of candidate projects if a project was not requested it was not carried forward on the LRTP. The bypass was a project that was beyond any fiscal constraints but was on a list of projects. When they reviewed the project list it was not one Ferguson Township chose to submit, but the project could be resubmitted in the future.

Mr. Killian summarized that the majority of the Board does not oppose the Borough's request to have a study completed.

Valley Vista Turn Lane

Mr. Modricker said someone from the MPO suggested a turn lane on Valley Vista Drive headed north to turn left onto Bachman. They plan to study this in 2010 regardless of whether it becomes a project or not. He supports this because it is low-cost and simple. Mr. Kunkle said as Grays Woods develops in Patton Township, more traffic will be using Circleville/Bachman/Valley Vista to Science Park Road, so traffic patterns and volumes over the past 7 years show more traffic using that route.

The Board agreed to support this project.

5. 2010 BUDGET AMENDMENT

During 2009, several projects were not completed either due to time constraints or staffing constraints. Unfortunately due to an oversight, these projects were not carried over into 2010 budget and re-budgeted. Staff is recommending that the Board approve for public hearing a 2010 budget amendment as follows:

- Emergency UPS backup - \$10,000
- Tudek Park Sign Relocation - \$5,500
- Traffic Signal LED's - \$7,200
- Tudek Dog Park Improvements - \$52,440

If the Board concurs with this budget amendment, a public notice will be placed as required under the Home Rule Charter and a public hearing held at the March 1, 2010 meeting.

Mr. Kunkle provided an overview of the projects. Mr. Keough asked if these are additional dollars, or carried over from last year's budget. Mr. Kunkle said they are currently showing up in the fund balance. Mr. Pytel made a motion to approve a 2010 Township Budget Amendment for a public hearing on March 1, 2010. Mr. Heinsohn seconded the motion. The motion passed unanimously.

6. JANUARY 2010 VOUCHER REPORT

Mr. Heinsohn made a motion to approve the January 2010 Voucher Report. Mr. Pytel seconded the motion. The motion passed unanimously.

7. CONSENT AGENDA

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

IV. REPORTS

a. Manager

- The Township received an application for a liquor license transfer from the Borough of Millheim to the Township. This would bring the Township to 10 retail licenses if this is approved.
- Mr. Kunkle has received verbal reports that the first phase of the focus group meetings on the State College Area Greenhouse Gas Emissions Study has been completed. Participating Township representatives indicated that they thought the meetings were informative and educational. He has not yet received a formal report from the Project Coordinator. Mr. Heinsohn said he would be pleased to serve during the next round representing the Township.

b. Public Works Director

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

Whitehall Road Widening (SR 26 to Tadpole Road): Allegheny Power and Verizon representatives met with Township staff and Trans Associates on February 1st to review utility relocation design plans. At this time the Township anticipates completing design in 2010, right of way acquisition and utility relocation in 2010-2011, and construction in 2011-2012.

Old Gatesburg Road Extension: Staff met with the design team including Keller Engineering on January 27th to review the status of the project and involve CATA. Keller continues work on the

“Design Field View” and geotechnical work, and right of way drawings. Final design must be complete to allow PADOT to encumber the funds in September 2010.

c. Director of Planning and Zoning

CENTRE REGION COMPREHENSIVE PLAN UPDATE

Jim May (CRPA) presented the Comprehensive Plan, which is due to be updated this year. An Open House for residents of the Region will be held at the Township building on March 3, 2010 at 6:30 pm. This is one of six meetings to be held throughout the Region before the end of March.

EDENS & AVANT REZONING REQUEST OC-C (NORTHLAND CENTER SITE)

Steve Teets, representing the applicant, presented a request to rezone a 1.64 acre portion of a 12+ acre site from OC to GC. Richard Shore, who holds interest in an adjoining property, requested that the Commission recommend denial of the request due to his perception that the rezoning and ultimate development of the acreage for a use permitted in the GC zoning district would have an adverse impact on the value of his property. After hearing from both parties, the Commission recommended that the Board of Supervisors deny the requested rezoning. The site has not been posted and no public hearing has been scheduled. However, if the Board wishes to receive additional testimony and public input on this issue, staff will need to complete these steps.

Ms. Lang requested direction from the Board on whether or not they would like to take action on this rezoning request. She asked if the Board wants to hold a public hearing, receive public input, and actually take a vote on this rezoning request, or simply accept the recommendation of the Planning Commission, which would not require a public hearing. Mr. Kunkle will contact the Township Solicitor regarding whether or not a public hearing is required.

d. Chief of Police

Part one and part two crimes are up from this time last year. There was a particular overall increase in thefts. DUI's were up as well. Other calls for service are down substantially. Citations are up substantially, as are parking tickets, mostly due to the snow.

e. COG Committee Reports

Finance – Mr. Killian said CATA is suggesting in their proposed budget that fare increases might be as much as 25 cents.

V. MINUTES

Mr. Pytel made a motion to approve the February 1, 2010 BOS Regular Meeting minutes.
Mr. Heinsohn seconded the motion. The motion passed unanimously.

VI. ADJOURNMENT

With no further business to come before the Board of Supervisors, Mr. Killian adjourned the February 16, 2010 Regular Meeting at 9:57 pm.

RESPECTFULLY SUBMITTED,

Ferguson Township Board of Supervisors
February 16, 2010
Page 7

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 03-01-2010