

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, June 7, 2010
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, June 7, 2010 at the Ferguson Township Municipal Building. In attendance were:

Board:	Richard Killian, Chairman	Staff:	Mark Kunkle, Township Manager
	Robert Heinsohn		Trisha Lang, Director of Planning & Zoning
	Steve Miller		David Modricker, Director of Public Works
	Bill Keough (second half of meeting)		
	George Pytel		

Others in attendance included: Marsha Buchanan, Recording Secretary; Richard Karten; Cynthia Hahn, C-Net; Dave Palmer and Bob Poole, S&A Homes; Tony Fruchtl, Penn Terra Engineering; Alan Stewart, Sweetland Engineering; Elwin Stewart; Sam and Rita Wasson; Cecil Irvin; Bill Hechinger and Pam Steckler, 127 Hoy Street; Thomas and Becky Dunleavy, 1425 E. Park Hills Avenue; Tom and Karen Parrish, 1615 Glenwood Circle; Jim and Jane Lynch, 1401 Park Hills Avenue; Robert Jeanmenne, DDS, Saybrook; John Fisher, Glenwood Circle; Dan Barker; Lani Daubenspeck, 101 Lightner Lane; Carol Dale; Ron and Bonnie Ashcroft, 1413 E. Park Hills Avenue; Carolyn Sacks; Paula Greaser; and Richard Shore.

II. CALL TO ORDER

Mr. Killian, Chairman, called the June 7, 2010 meeting to order at 7:00 pm.

III. PUBLIC HEARINGS – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION CERTIFYING PROVISION OF LOCAL MATCH FOR STATE OPERATING FINANCIAL ASSISTANCE FOR CATA FOR ITS FISCAL YEAR 2010-2011

This resolution certifies that the Township will provide CATA operating funds in the amount of \$75,447 and capital funding in the amount of \$10,681. The CATA budget has been reviewed by the COG Finance Committee and recommended for approval by each of the contributing municipalities at the General Forum meeting on May 24th.

Mr. Heinsohn made a motion to adopt Resolution 2010-16, providing CATA operating funds in the amount of \$75,447 and capital funds in the amount of \$10,681 for its fiscal year 2010-2011. Mr. Pytel seconded the motion. With Mr. Heinsohn, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

2. A PUBLIC HEARING ON A RESOLUTION AMENDING RESOLUTION #2010-3 BY ESTABLISHING NEW AND REVISED FEES FOR CODE ADMINISTRATION

This resolution would amend the Township's fee resolution by including fees to be charged by the Centre Region Code Administration Office for Well and Borehole Permits. In order to cover the cost of inspection services, a fee schedule has been developed by the Code Administration Agency and reviewed by the COG Public Safety Committee. Mr. Kunkle provided details on various fees.

Mr. Pytel is opposed to this. He believes the fee is too high and said a well-qualified inspector needs to do the job. Also, the Code Agency does not inspect wells if drilling for natural gas.

Mr. Heinsohn made a motion to adopt Resolution 2010-17, amending the Township fee schedule by adding well and borehole permit and inspection fees. Mr. Pytel seconded the motion. With Mr. Heinsohn, Mr. Killian, and Mr. Miller voting yes, and Mr. Pytel voting no, the motion passed.

IV. COMMUNICATIONS TO THE BOARD

Mr. Pytel commented on the grass plot in Park Hills at the Knob Hill trailer park regarding the question of who will be cutting the grass there. The area in question is within the Township right-of-way and will be maintained by the Township. Also, he discussed the concern about parking on Deepwood Drive. The police department has contacted illegal parkers to remind them of the no parking regulations. Mr. Miller communicated with residents about items on the agenda.

Mr. Killian suggested scheduling a Worksession or special meeting for discussion of the TSS district to provide adequate time for Board discussion and public comment. The Board agreed. Mr. Kunkle said they need three business days for advertising. The Board agreed to hold a worksession on Tuesday, June 15th, at noon.

V. ACTION ITEMS

1. C-NET ANNUAL REPORT – MS. CYNTHIA HAHN, EXECUTIVE DIRECTOR

Annually each of the participating municipalities receives a report from C-Net's Executive Director, Cynthia Hahn. Board member Bob Heinsohn has been the Township's representative to the C-Net Board since joining in 2009.

Ms. Hahn provided an overview on C-Net's current operations. This included information on member organizations, 2009 Programming Summary, 2009 Ferguson Township Programs, and Ferguson Township's Usage. She showed a graph of C-Net Usage by All Organizations for 2005-2009 and provided an overview of 2010 Ferguson Township Programs to date. In addition, she provided Web Streaming Data and summarized the Emergency Management Initiatives.

Mr. Pytel asked if C-Net could be expanded to Direct TV. Ms. Hahn said PEG broadcast can only be provided on cable. There are no satellite companies to her knowledge in the U.S. that carry any PEG channels, that is why the web streaming is so important. Mr. Miller noted that the web streaming is very useful for watching meetings from other municipalities as well. Ms. Hahn said, effective June 1st, they will be indexing agenda items to make web streaming even more useful.

2. HAPPY VALLEY VINEYARD AND WINERY FINAL LDP

The developer of this plan has been working diligently for about 11 months to resolve a major hurdle, the requirement for approved public access to the site. There has been a collaborative effort to develop a public access solution. Having completed that process, this plan is before the Board for its consideration and approval.

Ms. Lang said this is both a Final LDP review and approval of the Sewage Planning Module review for land outside the growth boundary. The applicants want to have both wine making and wine tasting available on the site. The latest design includes an extension of Foxpointe Drive. The Planning

Commission recommended conditional approval of the project. Items 7 and 15 have been addressed. Staff is still concerned about the applicant and S & A Homes coordinating the construction and installation of improvements.

Mr. Kunkle asked Alan Stewart, Sweetland Engineering, if copies of the design done by Penn Terra Engineering match the design work done by Sweetland Engineering for Foxpointe Drive Extension. Mr. Stewart said he is not aware of any problems with the design. Mr. Stewart said their plans show a tapering from the end of the current public right of way through the S&A lands. That portion will be a uniform width until it hits the PSU property line and then the curbing would disappear and it would taper to a narrower cartway with shoulders. There would be a uniform right of way width. Mr. Kunkle commented on the cost estimate for the portion on existing Foxpointe Drive. There is a cost sharing formula that has been agreed to by Elwin Stewart and S&A. Mr. Stewart has agreed to this formula. Also, the Township needs to have a surety for public road improvements. Elwin Stewart intends to work with Bob Poole to come up with one cost estimate from a contractor for the entire project to simplify it for the Township's sake, and surety would be posted based on that cost estimate.

Mr. Modricker clarified that the surety for the project improvements, including the road on Penn State property and the piece that is going across the Foxpointe subdivision will be posted as one surety for this project and the surety will be based on an estimate at a prevailing rate that the Township Engineer approves. Mr. Stewart said the applicant and Bob Poole will try to get one cost estimate rather than having two different estimates. Mr. Modricker said this would probably be satisfactory.

Mr. Miller made a motion to approve the Happy Valley Vineyard and Winery Final Land Development Plan subject to the completion of the outstanding conditions as set forth in the Director of Planning and Zoning memorandum dated June 2, 2010. Mr. Heinsohn seconded the motion. The motion passed unanimously.

Mr. Miller made a motion to adopt Resolution 2010-18, approving the Happy Valley Vineyard and Winery Sewage Planning Module. Mr. Heinsohn seconded the motion. With Mr. Heinsohn, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

3. RURAL AGRICULTURAL BUFFER REGULATIONS

The Board requested staff to present options for landscaping and/or fencing along the boundary line between the rezoned property and the continuing RA zoned property. Once the Board makes a decision on the direction the Township should take with regard to this landscaping/fencing buffer, a draft ordinance can be prepared for the Board's consideration prior to advertising. Ms. Lang provided an overview of options for the Board to consider.

Mr. Pytel suggested adding language to indicate that "the purpose is to clarify that the land is abutting farmland and a 50' setback and buffer is required. At the discretion of the Board of Supervisors, whether or not there is an existing tree row, the following landscape buffer shall be required...." Then the Board has control over how to handle each individual property. Under fences, he would include language that indicates a fence should be 6' high and of some material other than a chain link fence.

Mr. Pytel made a motion to add the language he suggested above, giving the Board of Supervisors sole discretion as to what will be required for each individual property. Mr. Heinsohn seconded the motion. With Mr. Keough voting no, and all other Board members voting yes, the motion passed.

Mr. Keough stated he still has difficulty with the RA Buffer next to R-4, multi-family zoning and the closeness that would be allowed. He also expressed concern about where the liability would lie to repair damage if a tree falls on a fence when there is also a hedgerow. He is concerned that the ag side would have increased liability. He would prefer some kind of gating as well.

Mr. Killian clarified Mr. Pytel's thoughts (motion above). If there is an existing tree row on the ag property side, that would be acceptable in lieu of a fence. But if there is no current vegetation, then they can choose a fence or vegetation at the Board's discretion. Each property could be evaluated separately.

Ms. Lang asked if properties were reviewed individually, what should happen if a developer puts several properties in at once. Mr. Pytel suggested that would still be at the Board's discretion, but he believes the Board would use common sense in keeping uniformity from lot to lot.

At the discretion of the Board there could either be existing vegetation, or replacement vegetation may need to be planted, or if there is nothing currently there, it could be either a fence or vegetation. Ms. Lang can add items to the draft to include these clarifications. She added that, in order to apply buffer yards that exist, there was a suggestion to revise the group categories so buffers actually reflect the draft language.

Mr. Keough expressed concern about leaving a policy to the discretion of the Board. He would rather be more precise. He is concerned about the R-4 properties because of the intensity of population and proximity to ag land. He believes the Board should be more aggressive with that type of property than with R-1. Also, he asked if property issues were resolved with regard to property owners who currently have 200' buffers and would petition to have them removed and go to the current regulations. Ms. Lang said Item D addresses that. If this motion is passed, it would be at the discretion of the Board to select which buffer should be used. Mr. Keough asked if the liability issue was addressed regarding damage to vegetation or a fence. Ms. Lang said no; this was not addressed in the ordinance itself. Mr. Kunkle said if a fence is currently allowed in the buffer for a residential property under the current zoning, then the liability would not be increased. Ms. Lang believes a fence is allowed. Mr. Miller said fences have never been included as structures. Ms. Lang quoted the specific language in the ordinance regarding fences.

Dr. Robert Jeanmenne, Saybrook, said he likes Ferguson Township because many lots border ag properties. Fences would cause him *not* to move to Ferguson Township.

Dan Barker, Ferguson Township resident, commented on the ordinance as a whole. He believes this ordinance amendment is a huge mistake. The existing ordinance serves a valid purpose. He submitted five points making the existing buffer zone valuable: 1) protects the buffer zone and residents; 2) provides an effective hedge against flooding (he showed pictures of severe flooding, which he noted would increase if the buffer were decreased); 3) provides a natural fence; 4) provides protection for existing rural ag residents; and 5) provides open space. He submitted that by reducing the RA buffer zone, they will increase human exposure to farming chemicals and compounds. The 50' buffer will not be sufficient. He noted other problems that may result as well.

Mr. Barker urged the Board to notify effected residents when decisions like this are being discussed. He noted that the Planning Commission has been consistently against this change. He asked if a possible solution would be to grandfather existing zones that are between ag and residential, applying these rules to new developments and not at all to existing residences. He suggested saying that what exists is grandfathered. Ms. Lang said essentially this only applies to new plans coming in. If someone has a 200' buffer, that remains unless they bring in a new plan to change it to a 50' buffer. The problem with

grandfathering is that the plans are on record with a 200' buffer. The only time this would become applicable is if at some point in the future the Township chooses to expand the growth boundary. Mr. Miller said if there are undeveloped areas where the buffer applies now, if a new plan is submitted it would have to follow the regulations at the time when it was submitted.

Mr. Barker asked for clarification. Mr. Pytel said if he has a 200' buffer now, he will continue to have that unless he comes in with a new subdivision plan to have that changed. Mr. Barker said the buffer he enjoys next to his property belongs to the adjacent residential property owners. Ms. Lang clarified. Mr. Barker said the problem is that he has no control over what the residential property owners do or what new plans they bring before the Township. The only reasonable thing for the Township to do is to grandfather all existing properties, not allowing them to be changed in the future.

Lani Daubenspeck, 101 Lightner Lane, said no one has informed her and other residents that this ordinance amendment has been discussed for the past three years, and this is a risk for the Township as well. This ordinance amendment affects them to a large extent. She and her husband live in the middle of the buffer zone on the north side of Lightner Lane. They purchased their home due to the protection they would receive from the buffer zone. She briefly stated reasons given to her by Ferguson Township staff for discussing a reduction of the ag buffer zone. She also stated reasons why she and other residents do not approve of the proposed ag buffer amendment. She said the most important reason to retain the 200' buffer zone is for the health and safety of area residents. She lives directly adjacent to farmland. There is no buffer between her property and the farmland. She noted that water runoff may adversely affect residents of Lightner Lane, and she believes this supports her view that the 200' buffer should be retained.

Ms. Lang said letters are sent to adjacent property owners when there is a rezoning. There is no requirement to mail to individual property owners otherwise. Mr. Keough reminded Board members that he suggested increased notification to the ag community on several occasions.

Dr. Robert Jeanmenne asked why it is the residential property owners' responsibility to provide the entire buffer, and not the farm owner's responsibility. Mr. Keough explained that when the buffer zone was adopted the 200' buffer was intended to be 200' on the ag side and 200' on the residential side. The issue really was the compatibility of neighboring zones. In this case there is evidence of incompatibility of neighboring zones. The "no building" restriction also occurs on the farming side.

4. DRAFT AMENDMENT TO COMMUNITY GARDEN REGULATIONS

The Board requested elimination of the requirements that "all gardens shall be tidied and prepared for winter by planting a cover crop no later than mid-October." The Board directed staff to prepare and amend the adopted ordinance for its consideration at its June 7th meeting.

Ms. Lang provided an overview of the regulations. This is still a draft and has not yet been advertised. The Board should vote on the amendment, not on the overall document.

Mr. Pytel made a motion to approve the amended language to the Ordinance, creating Community Gardens as a permitted use within various zoning districts by removing requirements for a cover crop to be planted. Mr. Heinsohn seconded the motion. The motion passed unanimously.

5. MINOR ALTERATION PLAN TEXT AMENDMENT

The proposed amendment results in minor revisions to this existing plan procedure that will ensure its consistency with the review and recording procedures at the Centre County Planning and Recorder of Deeds Offices as well as the provisions of the MPC.

Ms. Lang said the minor alteration plan process is a procedure that permits minor alterations to site plans or land development plans to be processed without going through the full plan process. Concerns have been voiced over the years by the County Recording Office and the County Planning Office that because the Township has this procedure it sidesteps their procedure. They have clarified what information needs to be on the plan and have added a process by which the plan is sent to the County Planning Office. There is also a clarification on the plan that the alteration they are making does not qualify as a land development by the definition in state law. Another concern is the quality of the plans they are receiving. This clarifies that all information needs to be up to date.

Mr. Pytel made a motion to authorize preparation of an ordinance regarding the minor alteration plan process for the Board's review prior to advertising for a public hearing. Mr. Heinsohn seconded the motion. The motion passed unanimously.

6. AGRICULTURAL SECURITY AREA STATUS REPORT

In accordance with Act 144, The Agricultural Security Area Law, the Township is required every 7 years to notify existing participants in the Ag Security Area and potential property owners that may desire to become part of the Ag Security Area to be offered the opportunity to withdraw or participate in the re-established Ag Security Area. The Ag Security Area Ad Hoc Committee, chaired by Bill Keough, has been working with the Ms. Lang to provide the appropriate notifications to eligible property owners.

Ms. Lang provided a breakdown of properties in the Ag Security Area. A fairly extensive area would be included. The next step is for the Board to hold a public hearing. There is a window from 120-180 days from the 7-year anniversary of the last adopted version of this. The Board would need to take action in August 2010.

Mr. Pytel made a motion to forward the status report to the Ag Security Ad Hoc Committee and the Planning Commission for review and recommendation to the Board of Supervisors. Mr. Heinsohn seconded the motion. The motion passed unanimously.

7. CENTRE COUNTY TAX COLLECTION COMMITTEE UPDATE

Act 32 of 2008 mandates that municipalities and school districts create county-wide Tax Collection Committees to begin the collection of Local Earned Income Taxes (EIT) no later than January 1, 2012. The county-wide Committee was formed in September 2009 and since then has approved bylaws and has undertaken a process to review the means available to collect EIT on a county-wide basis. The Committee must appoint a Tax Collector by September 15, 2010. The committee identified several models for collecting the EIT: create a non-profit, locally controlled Tax Bureau; contract with a for-profit vendor; contract with an existing Tax Bureau; or contract with a local agency. Mr. Kunkle provided an overview of the process, including information on goals, contract terms, customer services, and operating costs. He noted a few concerns as well.

The Board agreed with Mr. Kunkle's statements and concerns, and agreed that a number of details need to be worked out. Mr. Kunkle said the Township is interested in good customer service provided in a cost

effective manner. Mr. Killian said he understands the need to keep this a local enterprise, but he is concerned that the current MOU suggests that they enter into a no-bid contract. The capital operating and overhead cost needs to be directly allocable to the tax collection process. Also, there needs to be a separate bank account with rules for allocating interest. There should be a transparent method of selecting an independent auditor. Besides a financial audit, a performance audit should be conducted. Ownership of assets should be owned by the enterprise. He suggested creating a tax bureau, which would provide a better way of keeping the enterprise independent and separate.

Mr. Pytel said the state decided to pass this mandate so it would be easier and cheaper to collect taxes, but this is not the case. Mr. Miller said Mr. Kunkle as a committee member expressed his opinion that submitting this as a memo of understanding without issuing a request for proposals is not a good idea. He believes the Board should support that view in its comments. The Board concurred with the staff comments.

8. TRAFFIC CALMING POLICY

Prior Boards have received presentations on methods that could be implemented to slow and calm traffic within residential neighborhoods on residential streets. In each case, the Boards have not proceeded to consider traffic calming methods further. On May 14th Dave Modricker, Public Works Director, received an email from residents on Park Hills Avenue requesting that the Board consider traffic calming measures again. Before staff proceeds any further, the Board should provide an indication of its interest in exploring a traffic calming policy for residential streets.

Tom Dunleavy, 1425 E. Park Hills Avenue, said their concern as residents is the shear amount of cut-through traffic driving at a high rate of speed. There is also a lot of pedestrian traffic. It is a dangerous residential road in their minds.

Mr. Modricker noted that the Township has not adopted a traffic calming policy, but he believes the Board should consider whether such a policy should be adopted before spending too much time on requests like this. He provided a brief overview of traffic calming, including examples. He said there does not have to be a policy in place, but if the Board wants to consider doing this in residential neighborhoods, they should consider adopting such a policy so there is a procedure in place.

Ms. Lang added that last year this was a planning issue. The Board did not want to move forward at that time. She agreed based on her research that a policy would be helpful if the Board gains interest in creating one.

Mr. Modricker clarified that certain measures can be taken without implementing a policy. Mr. Killian asked what traffic studies would be involved if and when the Circleville Farm development moves forward. Mr. Modricker said there was a traffic scoping meeting. He does not know how far-reaching the scope was. Ms. Lang provided an overview of the scoping.

Mr. Killian said the reluctance in the past is that prior Boards were not interested in more aggressive traffic calming measures. Mr. Heinsohn is interested in creating a traffic calming policy. He encouraged Mr. Modricker to pursue this in increments.

Mr. Pytel said this was starting to become a matter of chasing traffic off of one street and onto another street. He noted that police enforcement was recently started in Pine Grove Mills. The speed there has really slowed down. Mr. Keough agreed that moving traffic from one street to another is a concern.

Mr. Miller was initially not supportive of developing a traffic calming policy. He now believes the Township does need a policy. All options have not been examined as far as traffic calming measures that can be taken. Also, since the police department cannot use radar, enforcement becomes a problem. A policy would allow the Board to at least examine all options.

Mr. Modricker will review the steps in the process for creating a traffic calming policy. Mr. Kunkle said without a policy and criteria in place, the Township is at risk from a liability standpoint should traffic calming methods be implemented that involve speed tables or other similar methods.

The Board's consensus was to further investigate the creation of a traffic calming policy. Mr. Modricker will provide updates to the Board in the near future.

Jim Lynch, 1401 Park Hills Avenue, said there are two issues – the cut-through traffic and the speed of the traffic coming through Park Hills Avenue. Also, the community is changing there. The number of young children has increased.

John Fisher, Glenwood Circle, said their bus stop is right across from the Tudek Park access. He said the solution would be to put a speed bump on the blind curve before the Tudek park access and another one on the other side.

Mr. Keough said as part of this policy input needs to be sought from residents regarding what specific locations should be studied. Mr. Modricker agreed and said there are different levels of involvement.

Tom Parrish, 1615 Glenwood Circle, said policies are needed for good governance. There is an immediate problem. If there are measures that can be taken immediately, he urged the Board to do something. This is a dangerous curve. He believes a policy must be created, but there needs to be a solution right away. Mr. Killian suggested forwarding these comments to the Chief of Police. Mr. Kunkle said the short-term solution is to establish a STEP zone on Park Hills Avenue East – have a defined area that meets the legal requirements for speed enforcement, add that street to the rotation of the radar speed limit sign, and then begin working on a policy.

Becky Dunleavy, 1425 E. Park Hills Avenue, shared pictures with the Board to show cars cutting directly across her yard. She expressed concern about the safety of her children and other residents in this neighborhood. The problem is getting worse.

9. DRAFT BOARD MEETING GUIDELINES – RICHARD KILLIAN

As an outcome of the Board/Staff Strategic Planning Retreat, the Board convened a worksession to discuss establishing meeting guidelines. Richard Killian, Chairman, has undertaken the task of preparing a draft of Board meeting guidelines for discussion. Should the Board desire to formally adopt these guidelines, a resolution should be prepared for action by the Board at a public meeting.

Mr. Killian said this was an effort to determine how the Board can conduct more efficient meetings. He listed several features that are already being implemented. The greatest focus is improving the efficiency

of the public meeting. Since the last worksession, he reviewed the Administrative Code. Many issues are addressed in the code and there are already some rules in place. The Board discussed making rules in the form of a resolution. He now believes the rules are already official. Options: adopt a policy or frame ground rules for consideration during public meetings.

Mr. Pytel said the Board should stay in line with the Administrative Code. Mr. Keough agreed, saying that the points outlined on Page 68 are very much in line with those outlined in the Administrative Code. Therefore he does not believe a resolution is necessary. Mr. Keough noted that Item 1 on Page 70 is part of the Administrative Code, which is an ordinance and could be changed. He said Chapter 1, Administrative Code Part 6, Section 608, Items #1-10 cover most of the meeting rules the Board would want. Mr. Miller agreed. Mr. Killian noted one exception, the motion process. He said that is not specified in the Administrative Code, but is implied.

The Board's consensus was that a resolution is not necessary. They would like to have the Administrative Code available during Board meetings.

Mr. Keough suggested that the Board discuss some of the items addressed at the retreat in the near future.

10. VARIANCES

A. GIANT FOOD STORES, LLC 206 W. NORTH HILLS PLACE, STATE COLLEGE, PA

Giant Food Stores is a tenant in the Northland Shopping Center. Giant is proposing the construction of a fueling facility. Currently the shopping center contains 462 parking spaces. Should the fueling facility be constructed with parking the Township zoning ordinance requires a total of 492 parking spaces. With the proposed fueling facility, the LDP would provide 454 parking spaces for a deficiency of about 39 spaces. Based on a study completed in August 2009, it appears that 454 parking spaces for the shopping center would be sufficient to accommodate both the existing store fronts and the proposed fueling facility. Mr. Kunkle said Northland Shopping Center does own property on which the additional parking spaces could be built.

Mr. Heinsohn said the Board should support the Zoning Hearing Board's decisions. Mr. Kunkle said the Board's policy in the past has been that variances and appeals are brought to the Board prior to a hearing to determine whether they want to support, oppose, or remain neutral.

Mr. Heinsohn made a motion that the Board of Supervisors remain neutral on the request of Giant Food Stores for a variance from the required number of parking spaces in order to construct an addition of a vehicle fueling station on site. Mr. Pytel seconded the motion. The motion passed unanimously.

Richard Shore said he is involved in the property right in front of the house that is part of this variance request. He requested that the Board *not* support this variance request. Mr. Miller said this issue of parking spaces is a different issue all together. The Board's recommendation must be on the basis of the parking, not other issues. Ms. Lang said, however, that an inability to build the parking could prevent them from putting in the fueling facility.

B. KEYSTONE CHURCH AND MINISTRIES, INC. 108 VILLAGE DRIVE, STATE COLLEGE, PA

This property is owned by HFL Corporation and located on the Village Shopping Center on North Atherton Street. HFL Corporation desires to provide space for Keystone Church and Ministries, Inc. within an existing structure. Based on the proposed Church use there is insufficient on-site parking. HFL Corporation desires to permit Keystone Church and Ministries to utilize parking spaces designated as overflow parking on the Sleep Inn Hotel's LDP.

Mr. Keough asked, if the Zoning Hearing Board would grant the variance, whether there would be the ability to grant it for this use only. The Board said yes. Mr. Pytel said, instead of remaining neutral, he would suggest that the Zoning Hearing Board get something in writing from the HFL Corporation to state that the parking can remain with that land as long as it is in existence.

Mr. Keough made a motion that the Board of Supervisors remain neutral on the Keystone Church and Ministries, Inc. variance request, but that the Zoning Hearing Board consider a written agreement from HFL Corporation and that the variance only apply as long as that agreement is in place. Mr. Heinsohn seconded the motion. The motion passed unanimously.

11. STREET LIGHT REFUND REQUEST

Mr. Miller made a motion to approve the street light refund request for tax parcel #24-009A-130 for tax years 2009 and 2010 in the amount of \$173.28. Mr. Pytel seconded the motion. The motion passed unanimously.

12. DESIGNATION OF HALLOWEEN TRICK OR TREAT NIGHT

Mr. Heinsohn made a motion to designate Halloween Trick or Treat Night in Ferguson Township as October 28, 2010 from 6pm-8pm. Mr. Miller seconded the motion. The motion passed unanimously.

13. CONSIDER REQUEST FOR CONTRIBUTION TOWARD PA 4TH FEST

Mr. Heinsohn made a motion to authorize a contribution of \$600 toward the Central PA 4th Fest event. Mr. Pytel seconded the motion. The motion passed unanimously.

VI. REPORTS

a. Manager

- The Township has received notice that two grant applications were approved by PennPRIME for funding assistance to acquire two tasers and air cartridges and training on lockout/tagout procedures as part of the Township's safety training program.
- The Zoning Hearing Board has rendered a decision to grant a variance to Joel Confer Toyota for a canopy sign that exceeds the maximum sign size of 24 square feet. Details were provided.
- Mr. Kunkle recognized Dick and Kathy Murray for their continued annual effort to plant and maintain flowers at the Township entrance signs on Route 45, Whitehall Road, and Valley Vista Drive. Mr. Murray is responsible for the Township's Building and Grounds. Mr. Keough made a

motion to recognize Dick and Kathy Murray with a written document. Mr. Miller seconded the motion. The motion passed unanimously.

- A suggestion has been made to remove the white pine trees along the border of the Township Building property next to Research Drive and to replace these trees with another variety.
- Mr. Kunkle attached a letter from HRG, engineers for UAJA, providing a status report on the Beneficial Reuse Phase II Expansion Project.
- Mr. Kunkle has appointed a Project Management Team for the master park planning project for the Westfield/Hillside Farm Estates park. John Lundy from Hillside Farm Estates and Dave Pepper from Westfield will be the resident representatives and join a Board member, Planning Commission member, Ron Woodhead, Director of CRPR, Trisha Lang, Josh Collins, and Mr. Kunkle from the Township staff. Responses to the RFP are due June 11th. Mr. Pytel volunteered to represent the Board on the Project Management Team.
- Mr. Kunkle has requested the Board to consider potential appointments to the second phase of the Centre Region Greenhouse Gas Project. Bob Heinsohn has volunteered to participate in this second phase. Mr. Kunkle has also asked Phillip Melnick, Director of PSU Buildings and Grounds, and Stephanie Schmidt Executive V.P. of Poole Anderson Construction.
- Mr. Kunkle received an email from Lisa Brownlee, representative for Schlow Centre Region Library. She anticipates moving out of the Township and suggested the Board may wish to seek a volunteer to complete her remaining term.

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: A worksession was held with the Board of Supervisors on June 7th to discuss this project.

Old Gatesburg Road Extension: A progress meeting with the design team was held on May 26th. The project is on schedule for a bid letting by PADOT in September.

Contract 2010-C1: A Public Works crew is finishing the installation of storm pipe and inlets. HRI will be given notice to proceed with work in the near future.

Contract 2010-C2: Bids were opened on April 27th. A contract was awarded to HRI. A notice to proceed with work will be issued to HRI in the near future.

Contract 2010-C13: This project will be advertised for planting in the fall.

Maintenance Section: Work includes crack sealing, pavement milling and patching, sweeping, roadside mowing, drainage improvements in Fairbrook Subdivision and on Devonshire Drive, and equipment maintenance.

There may be an agenda item at the next Board meeting regarding the submission of a grant for planting street trees.

c. Director of Planning and Zoning

Ms. Lang reported that at their regularly scheduled meeting on May 24, 2010, the Planning Commission agenda included the following:

FINAL LAND DEVELOPMENT PLAN FOR MERCEDES-BENZ OF STATE COLLEGE: This project is a resubmission of the Leitzinger Motors plan that was previously reviewed in 2009. The intent is to move the dealership into a separate 17,000 +/- square foot structure that would be built on the land at the intersection of Whitehall Road and Leisure Lane. Existing residents along Leisure Lane continue to have some concerns with the proposal. There was difficulty previously to get residents of Leisure Lane to agree to a maintenance agreement on the cartway of that road. Discussions are still taking place as this is still an issue. There are potential concerns about the storm water, as well the landscape buffer that is required since this is a commercial property.

FINAL LAND DEVELOPMENT PLAN FOR SCIENTIFIC SYSTEMS, INC.: They are proposing a 5,000 square foot addition to their existing office building. As a result, they are proposing 17 additional parking spaces. The Commission encouraged them to consider a variance request from parking as an option.

FINAL LAND DEVELOPMENT PLAN FOR HAPPY VALLEY VINEYARD AND WINERY: This was on tonight's agenda.

REVIEW OF THE FINAL DRAFT OF THE TS DISTRICT TEXT: This will be further discussed in a public work session on June 15, 2010 at noon.

d. COG Committee Reports

- a. *Public Services and Environment* – Mr. Heinsohn said they had a presentation from Allegheny Power regarding a rebate program that will be initiated. They also had a presentation regarding storm water drainage on Atherton Street. The problem is serious and will cost quite a bit of money.
- b. *Regional Parks* – Mr. Killian said at the COG meeting he learned that: 1) all municipalities are in support of Hess Field; and 2) the total cost for all three projects is between \$9-12 million of the total cost. Mr. Keough said the Board should support whatever cost all municipalities can agree on. The Board agreed that restrooms must be included at the Whitehall Road Park. Mr. Keough would prefer to have half of the fields completed and useable in any one location as opposed to working partially on all fields simultaneously and not being able to use any of them. Mr. Miller suggested getting a commitment from COG members to re-evaluate this in a few years based on changes in the economy.

Mr. Kunkle said the Board also needs to consider the timing of the Hess Field Articles of Agreement and the approval of the Whitehall Road master plan. The Board believes those should be done concurrently, but the current schedule does not accommodate that. Mr. Killian said there is also a question of what process could legally commit municipalities to developing all three parks in a reasonable period of time.

I. POTENTIAL AGENDA ITEMS FOR UPCOMING MEETINGS

- Continued discussion of TSS Revised Zoning District and Design Guidelines

II. MINUTES

1. May 10, 2010 BOS Worksession
2. May 17, 2010 BOS Regular Meeting

Mr. Keough pointed out two changes to be made:

May 10, 2010 Worksession: Mr. Killian “opened” the meeting, not “pened” the meeting.

May 17, 2010 Regular Meeting: There was a reference to “Lisa Gamble and Todd Fuller.” “Gamble” should be changed to “Campbell” and the reference to Todd Fuller should be deleted all together.

Mr. Pytel made a motion to approve the May 10, 2010 BOS Worksession minutes and May 17, 2010 BOS regular meeting minutes as amended. Mr. Miller seconded the motion. The motion passed unanimously.

Mr. Keough said he and Mr. Kunkle met with Doris Sunday-Harpster to discuss some of her property, which is adjacent to Hillside Farms parkland. Mr. Keough will meet with Jim May, CRPC Director, to discuss the poor citizen response with regard to the Comprehensive Plan.

III. ADJOURNMENT

With no further business to come before the Board of Supervisors, Mr. Killian adjourned the June 7, 2010 Regular Meeting at 10:47 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 07-06-2010