

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, June 21, 2010
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, June 21, 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		Diane Conrad, Chief of Police
	Bill Keough		
	George Pytel		

Others in attendance included: Marsha Buchanan, Recording Secretary; Tony Fruchtl, Penn Terra Engineering; Bob Poole and David Palmer, S&A Homes; and Nathaniel and Catie Rasmussen.

II. CALL TO ORDER

Mr. Killian, Chairman, called the June 21, 2010 meeting to order at 7:00 pm. He noted that there will be an Executive Session immediately following this meeting to discuss a potential land acquisition.

III. COMMUNICATIONS TO THE BOARD

Mr. Pytel commented regarding grass on the roadway. He has also gotten a lot of complaints about the location of the public microphone during televised meetings on C-Net. It was suggested to have speakers come up front to the podium so they can be seen. The Board agreed that the microphone could be moved. Also, Mr. Pytel was approached by the school district. They are building the Ferguson Township Elementary School and are concerned about the cost of inspecting all of the geothermal wells in a timely fashion. Mr. Pytel made a motion that the Board recommend that the COG have those wells inspected in a timely fashion at no charge. Mr. Heinsohn seconded the motion. Mr. Kunkle suggested that the school district make that request in writing so the parameters of their request are clear. Mr. Pytel will contact the school board. He withdrew his motion.

Mr. Heinsohn said a resident on Whitehall Road complained about speeding traffic. He suggested adding that area to the Board's consideration of traffic calming devices. Also, residents often send the Board written communications.. He believes these entire documents should be included as attachments to the minutes. Mr. Killian pointed out that when they review the minutes they want to make sure that any correspondence or description of it is correct. The Board could accomplish the same thing Mr. Heinsohn is suggesting by making sure correspondence is mentioned and accurately described in the minutes. Mr. Heinsohn clarified that he is suggesting adding letters an electronic attachments to the minutes. Mr. Heinsohn made a motion that written communications from residents that are presented to the Board as communications from constituents should be included fully as electronic attachments to the minutes of their meetings and therefore posted to the web site. Mr. Keough seconded the motion. With Mr. Heinsohn voting yes and all other Board members voting no, the motion was denied.

Mr. Killian received a letter from Darla Lindberg regarding the W. College Avenue proposed zoning, urging the Board to be careful that this area does not become a second Beaver Canyon.

IV. ACTION ITEMS

1. FINAL LANGUAGE FOR CHANGES TO THE RURAL AGRICULTURAL ZONING DISTRICT BUFFER YARD

At the June 7th meeting the Board directed staff to finalize the language associated with changing the 200' buffer for lands rezoned from RA to non-agricultural zoning. If the language provided by the Director of Planning and Zoning is approved by the Board, a draft ordinance will be prepared for review and comment by the CRPA. Once those comments are received, the ordinance can then be advertised for public hearing.

Mr. Pytel made a motion to authorize preparation of an ordinance to amend the RA buffer requirements and provide the ordinance to the CRPC for review and comment. Mr. Miller seconded the motion.

Ms. Lang described changes to the ordinance. She showed a map showing the relationship and impact of the buffer to neighboring properties, especially regarding concerns expressed by residents and land owners at the last Board meeting. Ms. Lang said part of the benefit of reducing the buffer is the ability to add another row of homes within the growth boundary. Infrastructure is in place for further development.

Mr. Killian commented on grandfathering, saying it would take a new plan from the developer to trigger the change. Ms. Lang said there is a minor alteration plan process. Mr. Kunkle said the real question is how many lots such a plan would need to include. Ms. Lang said she believed it could be lot by lot but it would be more economical for people if a larger number of lots could be decided upon at once. Mr. Killian said on the farm side, there is no need to consider grandfathering because there is very little impact. He also said if the growth boundary is extended, the number of properties to be added to the growth boundary would be done on a larger scale. Ms. Lang said there would be a discussion both of the extension of the boundary and the appropriate zoning. Mr. Killian said he does not see the growth boundary changing in the near future. Ms. Lang said the amount of growth accounted for over the next 30 years within the Centre Region does not even build out what is currently zoned. In terms of the need for additional land within the growth boundary, the Region will probably not make that decision within the next 30 years.

Mr. Killian noted that he did not follow the Board's agreed-upon process at the beginning of this agenda item. He provided the opportunity for a new motion to be made.

Mr. Keough made a motion that any further discussion on the RA zoning district buffer yard be tabled until the following two things are accomplished: 1) the Township Solicitor is consulted to determine if the proposed change on the buffer distance impacts on increasing the liability, both civil and legislative, to the farmer or to the resident or to the Township since its original inclusion in the ordinance was related to both health and safety issues; and 2) the Board seeks input from the Township's agricultural community in the form of appointing a farmers' ad hoc committee of not less than 7 active farmers to review the proposed change, its potential impact on farming operations in the Township, and the advisability of the change from 200' to 50' or any other distance. Mr. Heinsohn seconded the motion. With Mr. Keough and Mr. Heinsohn voting yes and all other Board members voting no, the motion to table this discussion was denied.

The Board voted on Mr. Pytel's original motion, which was as follows: Mr. Pytel made a motion to authorize preparation of an ordinance to amend the RA buffer requirements and provide the

ordinance to the CRPC for review and comment. Mr. Miller seconded the motion. With Mr. Keough voting no and all other Board members voting yes, the motion passed.

2. REVIEW OF WHITEHALL ROAD PARK MASTER PLAN

Mr. Kunkle said the Centre Region Parks Capital Committee has been working on the issue of the Whitehall Road Park Master Plan. The Township has made a request that the Whitehall Road Park Master Plan be approved at the same time as the Hess Field Articles of Agreement. There is an effort to advance this process more quickly in order to meet the September timeline for a sales agreement and Articles of Agreement that have been established for the acquisition of Hess Field. The master planning process has included the entire 100 acres. Also, there is a change in two of the practice fields from open area fields to a potential indoor complex. The intent is that if a group comes forward interested in building such a complex for use by the Region, then this would provide an area in the master plan for that to occur. It is not the intent of the Region to build these facilities.

Mr. Killian, on behalf of the Capital Parks Committee, said this would most likely be done in phases. The first phase should contain the facilities that the Board has voiced as having the most importance. Mr. Kunkle showed the full scale master plan and said the phasing will depend upon the financing. If the Region can come to an agreement on a funding plan that includes both the existing money and some borrowed money, then the consultant is prepared to move forward with preparing phasing plans that would reflect what the available financing is for each phase. Given the fact that this park has a number of sports fields and the intent is to attract a significant number of teens to the site, public restrooms are necessary and would need to be part of an initial phase.

Mr. Killian noted that all municipalities so far have agreed that all three parks would be completed concurrently within 3 or 4 years. Ms. Lang said normally when they look at phases they try to make sure that the accompanying infrastructure is there. Her concern is that some elements of the plan are seen as amenities or extras. She suggested to have any landscaping or seating that goes along with those items completed as well, so that it is a complete package.

Mr. Pytel said he believes outdoor basketball courts should be included in the plan for the parks. Ms. Lang said there is something in the west core area that refers to "a small playground and court games."

The Board's consensus is that they are satisfied with the Whitehall Road Park Master Plan.

3. CONSIDER APPROVAL OF GRANT APPLICATION FOR TREE VITALIZATION PROGRAM

Tree Vitalize is a public/private partnership to help restore tree cover, educate citizens about planting trees as an act of caring for the environment, and building capacity among local governments to understand, protect, and restore their urban trees sponsored through the Department of Conservation and Natural Resources. This program began in 2004 in southeastern PA and was expanded statewide in 2009. The program offers matching grant funding up to \$25,000 per community. Centre County has been designated as one of the eligible tree vitalize counties in the state. The grant application has a deadline of July 1st. It is a policy of the Board of Supervisors to consider approval of grant applications prior to submission.

Mr. Kunkle reminded the Board that they had appropriated funds previously to replace storm-damaged trees from an October snow storm and to expand their street tree planting program to areas that pre-dated the subdivision ordinance that required street trees. In some of the main corridors

where there is not a good presence of street trees, staff is trying to get a program developed to add more trees. This would allow the Township to acquire over 120 street trees if the grant is received.

Mr. Pytel suggested, as he has in the past, setting up a tree commission that can look into these trees, rather than the responsibility falling to the Board.

Mr. Heinsohn made a motion to approve the submission of the Tree Vitalize grant application in the amount of \$25,000. Mr. Pytel seconded the motion. The motion passed unanimously.

4. PATTON TOWNSHIP SAFETY FAIR

In 2009, Ferguson Township participated in the Patton Township Safety Fair held annually in September. The Township's participation coincided with National Fire Safety Week, and both Patton and Ferguson Townships initiated a voucher program that provided \$10 vouchers for residents' purchase of smoke and/or carbon monoxide detectors and fire extinguishers. Staff would like to continue this program in 2010 for the Patton Township Safety Fair to be held September 11, 2010. The voucher program would provide up to \$500 in vouchers, each voucher being worth \$10.

Mr. Pytel made a motion to authorize an appropriation of \$500 toward the purchase of fire safety related devices through a voucher program at the Patton Township Safety Fair on September 11, 2010. Mr. Heinsohn seconded the motion. The motion passed unanimously.

5. MAY 2010 VOUCHER REPORT

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

6. CONSENT AGENDA

- a. May 2010 Treasurer's Report
- b. Time Extension State College Borough Public Works Facilities Land Development Plan

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

V. REPORTS

a. Manager

- On June 24th from 3 to 4 pm in the Ferguson Township Main Meeting Room the PADOT will host an information session for elected officials and staff on the Whitehall Road/University Drive widening project, followed by a Public Open House from 5 to 7 pm.
- During the month of May the Township home page had 3,904 visits and 80 email addresses are signed up for notices about various items. Mr. Kunkle said the next newsletter will come out in September.
- The Board needs to establish a date for its annual worksession to review the Capital Improvement Program projects. This involves a driving tour of the major capital projects that

are being proposed to be included in the 2011-2015 Capital Improvement Program Budget. By August 16, 2010, they hope to adopt the budget. The Board will choose suitable dates.

- He provided a list of PADOT road and bridge projects that are scheduled for completion between July 1, 2010 and June 30, 2011. These are general maintenance projects.

b. Public Works Director

Mr. Modricker provided a written report.

Mr. Keough said in the planning for the western portion of Whitehall Road, there was discussion about the possibility of creating detention basins in farm fields off the road. He would like to have more clarification as to where they would be located and what would be involved. Three of the properties are already in the Township Ag Security Area. The Township may need to consider ways in which it can accomplish the desired drainage results without encroaching on the tillable land. Mr. Kunkle said at the last worksession, that project was reviewed. Two detention basins are being proposed. He provided a summary of these. He does not believe a detention basin can be avoided on the Campbell property. Mr. Keough is starting to receive inquiries about this issue, partly because it would encroach into the right of way of ag land.

c. Director of Planning and Zoning

Ms. Lang reported that at the Planning Commission's regularly scheduled meeting on June 14, 2010, Mr. Mascolo volunteered to represent the Commission on the Project Management Team for the Westfield-Hillside Farm Estates Park Master Plan. The Commission agenda also included the following:

PRESENTATION OF THE PRELIMINARY ANALYSIS FOR THE BEAVER AVENUE CORRIDOR STUDY: A.J. Schwartz of EPD (Environmental Planning & Design) made a presentation to the Commission and provided a copy of the preliminary analysis that has been completed. The information presented provided a clear picture of the current status of the area and how it differs from other R-2 zoned areas of the Township. The analysis also identified some issues of concern and provided potential recommendations of how to improve the area. A number of residents who attended the meeting spoke about the area and their interest in the study. A copy of the preliminary analysis has been posted on the web site. Ms. Lang summarized the next steps in the study. There are no specific recommendations from the consultant at this point, just a list of observations and possible approaches for the Township to take.

CHESTNUT STREET SUBDIVISION: This project involves the subdivision of an existing 38,000+ square foot lot in the R-1 zone in Pine Grove Mills into three lots for single family detached homes. A number of residents that live adjacent to or nearby the site were present and identified some water concerns with the proposal. A review of the project was sent to the applicant and his consultant with a list of forty-two deficiencies, so Ms. Lang anticipates a long process of obtaining responses and gaining compliance with the ordinance. The current deadline for action on this plan is August 1, 2010. Mr. Pytel said there is a large spring coming off of that property. Ms. Lang said Josh Collins, Township Engineer, provided a site investigation. None of the current mapping suggests that there is a spring on the property, but it is a real concern from property owners.

FINAL LAND DEVELOPMENT PLAN FOR PHASE IV OF THE LANDINGS PRD: This project is the first phase to be submitted after the recent approval of the Revised Master Plan for this PRD. There

were a number of items specified in the Terms & Conditions that should have preceded the application for approval of Phase IV. Staff has prepared a list of these concerns and they have been forwarded to the applicant. At the present time, the final plan remains on schedule with a deadline for action of August 12, 2010.

AGRICULTURAL SECURITY AREA – SEVEN YEAR REVIEW AND UPDATE: Information and mapping was presented to the Commission so that they can begin to think about what comments they would like to include in the report that they must provide to the Board. It is anticipated that a draft of this report will be acted on at the July 26, 2010 Planning Commission meeting.

APPROVED FUTURE DEVELOPMENT IN THE TOWNSHIP: The Commission continues to discuss and consider the implications of the amount of approved and un-built development in the Township, as well as the forecasted growth within the centre Region. In the past much of the development in the Township has been single family detached dwelling units. As they build out this backlogged development, that ratio will change dramatically. In the coming years, there could be one single-family unit for every 7 multi-family units.

d. Chief of Police

Chief Conrad highlighted the following:

Part 1 Crimes were significantly lower for the month and were lower for the year as well. Part 2 Crimes were about the same as last year. Calls for service were slightly higher for the month and about the same for the year. Parking tickets were down a bit.

There was a lot of community relations activity this month. There were some officer non-work related injuries. She noted that there were a few residents who were solicited over the phone for million dollar scams, but no one lost any money. If residents receive scam calls like these from local residents, the Police Department can follow up on some of them. Residents can always call to make a report.

e. COG Committee Reports

- a. *Transportation and Land Use* – On Thursday, June 24th PADOT will present its preliminary design on Whitehall Road. Also, the truck ramp project on the lower end of Pine Grove Mountain has been moved up to within the next 4 years on the TIP.
- b. *Public Safety* – Mr. Keough said they discussed the EMS report that is being forwarded to the COG. They agreed to do an annual check on their services, and they were very pleased with the cooperation and ability of their EMS services in terms of serving the general population in a timely, effective, and professional manner. They also discussed the capital fire expenditure issues. The COG staff is starting to inventory the large capital replacements. The holdup for modifications to the fire station is that the building does not meet current Code requirements for the new generator.
- c. *Spring Creek Watershed Commission* – Mr. Miller said next month they will discuss identifying critical areas in groundwater recharge.

I. POTENTIAL AGENDA ITEMS FOR UPCOMING MEETINGS

- Minor Alteration Plan Ordinance Amendment

II. MINUTES

Approval of the June 7, 2010 BOS Regular Meeting Minutes was deferred until the next meeting.

III. ADJOURNMENT

With no further business to come before the Board of Supervisors, Mr. Killian adjourned the June 21, 2010 Regular Meeting at 8:38 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 07-06-2010