

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, July 6, 2010
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Tuesday, July 6, 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
Dave Modricker, Director of Public Works

Others in attendance included: Marsha Buchanan, Recording Secretary; Bill Hechinger and Pam Steckler, 127 Hoy Street; Joe and Laura Cusumano, 784 Beaver Branch Road; Vivienne Wildes, 1100 W. Beaver Avenue; and several other citizens.

II. CALL TO ORDER

Mr. Killian, Chairman, called the July 6, 2010 meeting to order at 7:00 pm.

III. CITIZEN'S INPUT

Bill Hechinger, 127 Hoy Street, made two comments: 1) he thanked Mr. Heinsohn for proposing that all communications from residents to the Board be posted electronically, and 2) he said the proposed Terraced Streetscape District ordinance and Design Guidelines accommodate and encourage large-scale developers by encouraging lot consolidation and requiring minimum building sizes. This discriminates against small developers, contractors, businesses, and investors, as well as current residents. Lower density and smaller buildings will encourage local prosperity and will also make a brighter future for businesses and residents in the area.

Pam Steckler, 127 Hoy Street, addressed the W. Beaver Avenue corridor. She said this high density, high congestion plan can only impact this corridor negatively. She suggested a better alternative. She said the proposal is not designed to be in harmony with the R-2 district. Another plan needs to be developed if their goal of stability for the W. Beaver Avenue corridor is to be realized. She urged the Board to consider lower density with 3-story mixed-use buildings, at least from Buckout Street to Corl Street, as an alternative that will be more appropriate and a positive outcome both now and in the future.

Joe Cusumano, 784 Beaver Branch Road, commented on continuing misadventures with the Rock Springs Water Company. The Township does not have regulatory authority over them since they are a public utility. There has been a water leak in their neighborhood for about a year and a half. For the last six weeks Rock Springs (Mr. Roy Campbell) has been digging holes in their yard because they do not know where their lines are. Even though there is a concept of easement, his property should not become an easement just so they can find their lines. They do not have the expertise to search for these lines. Mr. Cusumano requested some help clarifying for the citizens what the actual rights are for utilities in this situation, as well as access to state of the art detection equipment. It exists, but when the utility does not want to spend money, they get other people to do the job unprofessionally.

Mr. Heinsohn asked if they have contacted the PUC. **Laura Cusumano** said she briefly spoke with someone from the PUC regarding the Rock Springs Water Company in the past, but not about this particular issue. Mr. Cusumano said they do not wish to attack the owners of the Rock Springs Water Company. Mrs. Cusumano said even if the State College Borough Water Authority eventually buys that

system, they will still need to know where the pipes are. Ground penetrating equipment is necessary to locate the lines.

Mr. Pytel stated he spent 12 years as Chairman of the Ferguson Township Water and Sewer Authority. He said Mr. Campbell is not allowed on their property unless there is a right of way or easement on their deed. Mrs. Cusumano said the problem is that he does not know where the leak is. DEP has said he must find the leak, which has given him permission to enter their property. Mr. Pytel said the Township does not have the authority to regulate or direct a private utility.

Mr. Kunkle said there may be some assistance through the County's water authority, which is able to provide some assistance to some of the smaller water systems in the county as far as helping them locate lines and assist with leak detection. Mrs. Cusumano asked, if she and her husband stopped getting water from them, whether the Township would be able to step in and help.

Vivienne Wildes, 1100 W. Beaver Avenue, announced for the new people in the audience and C-Net viewers that the next worksession for the proposed TS district ordinance will be held on July 22nd, 7:00 pm, at the Ferguson Township building. The Board will eventually vote on this proposed ordinance. Alternative suggestions have been proposed. They would like a "no" vote on this ordinance. Further research on other towns is necessary. This greatly impacts their neighborhood, including their quality of life and happiness.

IV. PRESENTATION OF COMMENDATIONS:

This is an opportunity for the Township to recognize the volunteer services of these individuals and groups and their contribution to the community. The Board presented commendations for the following people or organizations:

A. FERGUSON TOWNSHIP GARDEN CLUB

The Ferguson Township Garden Club plants and maintains the flowers at the intersection of Rt 26 and 45.

B. DICK AND KATHY MURRAY

In 2005 the Township completed construction of three Township entry and welcome signs. The signs included a planter for flowers. Each year since that time, Dick and his wife Kathy have volunteered their time to acquire the plantings and to maintain them throughout the summer and into the fall. This volunteer effort has enhanced the attractiveness of the signs as well as the community.

C. CALVARY BAPTIST CHURCH

The Calvary Baptist Church through its Community Service Program annually maintains and refreshes the landscaping along Circleville Road near the Knob Hill Trailer Court. Township resident Ed Crow has led this community effort.

V. COMMUNICATIONS TO THE BOARD

Mr. Pytel said a resident asked him if a permit was needed for people to burn on the Fox (Whiterite Subdivision) property that they are trying to subdivide into other lots. On July 5th at 7:00 pm they lit a fire with no permit. Fires must be out by 5:00 pm. Mr. Pytel suggested that they call the police. This should be

looked into further. Also, Mr. Pytel asked if there are any plans for safety improvements at the intersection at Tadpole and Whitehall roads. Mr. Modricker said there are bushes, and possibly trees, on private property at the intersection of Fairbrook Drive and West Whitehall Road that have blocked the sight triangle. He said they do not have anything planned in terms of acquiring right of way to do anything more than the Township is currently doing. As long as they keep their hedges trimmed, sight distance is satisfactory.

Mr. Heinsohn asked if Mr. Modricker had any new information regarding traffic calming devices. Mr. Modricker said he can start providing such information at the next Board meeting. Pam Steckler asked if they have ever considered a four-way stop at the intersection of Tadpole and Whitehall roads. Mr. Modricker said every time that intersection has been studied in the past, it has not satisfied criteria or met warrants for a four-way stop.

Mr. Miller had several calls regarding microsurfacing on Madison and McBath streets. There was a problem with communication. The contractor had put out notices Friday afternoon that surfacing would occur on Tuesday and Wednesday. There was some concern because the notice that came out was unclear as to how long people would not be able to use the streets. The holiday weekend added some confusion. Mr. Miller talked with Mr. Modricker about ways to improve communication.

VI. ACTION ITEMS

1. DISCUSSION OF PROPOSED REVISION TO EATING AND DRINKING ORDINANCE

. Through discussions with Kevin Kassab, Health Officer for the Township, it has been suggested that the Township update its current Eating and Drinking Ordinance through adoption of a revised ordinance entitled Food Establishments and Food Handling. Mr. Kunkle provided a summary of the changes. He added that over a year ago there was some discussion regionally with regard to the licensing of civic clubs, etc. and in particular whether they will open their facilities to the public for meals. The approach being taken now is not a licensing procedure. On a regional basis, Mr. Kassab is conducting educational sessions, encouraging churches, etc. to educate people on proper food handling and serving. The Township is not requiring any type of permitting.

Mr. Killian asked if changes to this ordinance affect any pending development plan. Mr. Kunkle said no. They are just updating the ordinance to make regulations current.

Mr. Pytel made a motion to approve amendments to the Food Establishment and Food Handling Ordinance, authorizing advertisement of the ordinance for an upcoming public hearing. Mr. Miller seconded the motion. The motion passed unanimously.

2. APPOINTMENT OF CENTRE REGION SCHLOW LIBRARY REPRESENTATIVE

On Thursday, June 17th the Chairman of the Board received an email from Lisa M. Brownlee advising her immediate resignation from the Schlow Centre Region Library Board of Trustees. George Henning previously served on the Library Board of Trustees and is interested in re-appointment.

Mr. Keough made a motion to appoint George Henning to the Schlow Centre Region Library Board of Trustees for the unexpired term of Lisa Brownlee. Mr. Heinsohn seconded the motion. The motion passed unanimously.

3. AUTHORIZATION TO SELL 1986 JOHN DEERE 2250 TRACTOR

In accordance with the Administrative Code, the Board needs to approve the sale of equipment of supplies with a value of more than \$10,000. Staff anticipates that this piece of equipment will have a sale value in excess of \$10,000. The tractor with flail mower was replaced this year with a John Deere model 6630 with a Tiger flail mower attachment. Recently the Township has received interest in the piece of equipment from Taylor Township. It is staff's intent to obtain the best price for this equipment, but they have not precluded the possibility of selling the equipment to Taylor Township at a fair market value.

Mr. Pytel made a motion to authorize the sale of a 1986 John Deere 2250 Tractor with Flail Mower. Mr. Miller seconded the motion. The motion passed unanimously.

4. VARIANCE REQUESTS

A. GIANT FOOD STORES, LLC

On June 7th the Board considered a variance application for Giant Food Stores, which is a tenant in the Northland Shopping Center. At that time, Giant proposed the construction of a fueling facility. The variance requested was to allow the fueling facility to be constructed without an additional 39 parking spaces and utilizing the existing 462 parking spaces at the shopping center. Since that time, Giant withdrew the variance application and filed an amended application that includes not only the fueling facility but a proposed 3,774 square foot addition to the store entrance as a vestibule. Giant has incorporated a request to allow the vestibule and fueling facility to be constructed without additional parking, leaving a deficiency of approximately 66 parking spaces versus the 39 parking spaces that would have been a deficiency for the fueling facility only. This amended variance application would add 28 parking spaces to the previous variance request. At the June 7th meeting the Board supported the request of Giant Food Stores for a variance from the required number of parking spaces for the construction of an addition of a vehicle fueling station on site. Generally speaking, staff is supportive of efforts to reduce impervious areas when an application is justified. Mr. Kunkle suggested two conditions to accompany the Board's support of this variance application.

Mr. Pytel made a motion that the Board of Supervisors support the variance request of Giant Food Stores, LLC, subject to two conditions: 1) Should there be a deficiency in parking with a fully occupied Northland Shopping Center, then Giant Food Stores, as determined solely by the Township, would be required to construct additional parking to accommodate the demand, and 2) Edens & Avant, the current owner of the land, and subsequent owners will not lease, permit, or allow any of the required parking spaces to be used which do not have a permanent place of business within the shopping center. Mr. Heinsohn seconded the motion. The motion passed unanimously.

B. SCIENTIFIC SYSTEMS

Scientific Systems has submitted a land development plan to expand its facilities by adding a 5,000 square foot building addition, which triggers the current land development regulations. Providing a landscaped buffer along the boundary of the property is required. Scientific Systems is seeking a variance to be relieved of the buffer plantings due to existing utility easements being in the same location as the required buffer and the limitations placed on planting of trees within the easement areas.

Mr. Keough asked if there is a reason the Board would not support this variance. He expressed confusion as to why the Board usually remains neutral on variance requests. Mr. Killian said the typical response is to remain neutral. Mr. Miller said in the past they have supported variance requests in cases when they wanted to add a suggestion/condition or when it affected legal issues beyond the zoning. Mr. Keough said in this case he believes the Board should support the variance. Mr. Kunkle said they will probably meet the requirements of hardship in front of the Zoning Hearing Board.

Mr. Miller made a motion to remain neutral on the Scientific Systems variance request. Mr. Heinsohn seconded the motion. The motion passed unanimously.

5. CONSENT AGENDA

A. General NPDES Permit for extension of Foxpointe Drive

B. Payment Authorization to Alpha Space Control Co., Inc. in the amount of \$63,986.64

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

VII. REPORTS

a. Manager

The Township issued requests for proposals for the Westfield/Hillside Farm Estates Park Master Plan and received six responses. The proposals were reviewed to determine complete responses to the RFP. The firm of HRG has been selected to complete the master plan at a cost of \$22,265. The Township has budgeted \$32,000 for 2010. The planning process is anticipated to take six months and begin August 1, 2010. A Project Study Team has been assembled to provide guidance to the consultant.

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: The design consultant, Trans Associates, continues to work on finalizing the stormwater plan for the project. Another utility meeting is necessary to finalize utility pole locations. Right of way drawings can be completed after stormwater and utility issues are finalized. A future meeting is planned with adjoining residents to describe project impacts.

Old Gatesburg Road Extension: The final design drawings (PS&E) for the project were submitted on June 29th. The project is on schedule for a bid letting by PADOT in September. Critical items include right of way clearance, utility clearance, and approval by the Centre County Conservation District.

Micro-surfacing will begin in select neighborhoods the week of July 6th.

Maintenance: Major activities include pavement milling and patching, sweeping, roadside mowing, and equipment maintenance. Leaf and brush collection will resume in July.

Mr. Heinsohn asked when Mr. Modricker anticipates the public meeting concerning the W. Whitehall Road project. Mr. Modricker said that is dependent on finalizing the stormwater design. They would like to have stormwater plans finalized before the public meeting so they have an accurate depiction of right of way easement lines. He is hoping the meeting will be held next month. He is awaiting the final stormwater plans for the project. Mr. Heinsohn suggested that mailings be sent out. Mr. Modricker said it is their intent to send notices to all residents along that corridor.

c. Director of Planning and Zoning

Ms. Lang reported that at their regularly scheduled meeting on June 28, 2010, the Planning Commission continued their discussion of the chapters in the existing Regional Comprehensive Plan adopted in 2000. The chapters of Transportation and Open Space Preservation were discussed and the associated initiatives and action items were reviewed.

The purpose of reviewing the adopted document is to prepare the Commission to be able to provide informed input and appropriate review of the update to the Plan as it moves forward in the coming months. This important planning tool needs to be considered as a valuable guide in the decision-making process associated with the COG activities if it is to truly serve as a regional document that establishes growth management policy and direction.

Mr. Keough said he does not understand the reluctance on the part of the Centre Region staff to treat agriculture as something other than open space. He feels very strongly that the Township's agricultural component should not be treated this way. In every other case, agriculture is recognized as an industry, but in this case there seems to be reluctance to view it that way. Ms. Lang said that is a common way to view it in certain areas. Mr. Keough would like to see some reflection of the commitment that Ferguson Township has to the agriculture industry as a land use, not open space.

I. MINUTES

1. February 9, 2010 BOS Worksession
2. February 15, 2010 BOS Worksession
3. June 7, 2010 BOS Worksession
4. June 7, 2010 BOS Regular Meeting
5. June 15, 2010 BOS Worksession
6. June 21, 2010 BOS Regular Meeting

Mr. Pytel made a motion to approve all of the above Board of Supervisors regular meeting and worksession minutes. Mr. Heinsohn seconded the motion. The motion passed unanimously.

II. ADJOURNMENT

With no further business to come before the Board of Supervisors, Mr. Killian adjourned the July 6, 2010 Regular Meeting at 8:34 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors
Date approved by the Board: 07-19-2010