

## **FERGUSON TOWNSHIP BOARD OF SUPERVISORS**

Regular Meeting  
Monday, July 19, 2010  
7:00 pm

### **I. ATTENDANCE**

The Board of Supervisors held its second regular meeting of the month on Monday, July 19, 2010 at the Ferguson Township Municipal Building. In attendance were:

<b>Board:</b>	Richard Killian, Chairman	<b>Staff:</b> Mark Kunkle, Township Manager
	Robert Heinsohn	Trisha Lang, Director of Planning and Zoning
	Steve Miller	Diane Conrad, Chief of Police
	George Pytel	Eric Endresen, Director of Finance

Others in attendance included: Marsha Buchanan, Recording Secretary; Officer Shawn Slater, Ferguson Township Police Department; Walter Patton, SCBWA; Christine Bailey, 115 N. Butz Street; Loretta Smith, 93 St. Elmos Lane, Pine Grove Mills; and Thierry and Lani Daubenspeck.

### **II. CALL TO ORDER**

Mr. Killian, Chairman, called the July 19, 2010 meeting to order at 7:00 pm.

### **III. CITIZEN'S INPUT**

**Loretta Smith** said she and her daughter own property on St. Elmos Lane in Ferguson Township. It is considered a private lane, but there have been problems with neighbors with regard to maintenance. Ms. Smith requested clarification on the right of way. The water and sewer lines go up and down the road, but the neighbors have planted bushes there. She asked if Ferguson Township owns 93 St. Elmos Lane. Mr. Modricker said both the Police Department and the Public Works Department have had contact with the adjacent property owner. The road exists as a private alley. It was created as part of a subdivision and was never turned over to the Township. The Township does not own it or maintain it, but accesses private alleys to collect leaf and brush. The water and sewer lines would be owned by the respective Authority, not by the Township.

### **IV. INTRODUCTION OF POLICE OFFICER, SHAWN SLATER**

Chief Conrad introduced Officer Shawn Slater, who was hired in January 2010 and completed training at the Police Academy. He is currently in the process of his field officer training.

### **V. ABC REPORTS – WALTER PATTON, SCBWA**

Walter Patton, SCBWA, provided a report by A.R. Jarrett, a Board member for the Water Authority. He commented on losses that have been unaccounted for, saying half a million gallons per day is considered a low amount.

Mr. Patton provided an overview on the following projects:

- Whitehall Road improvements from S. Atherton Street to W. College Avenue – Due to the proposed road widening, the planned cut and fill will impact water lines and numerous service lines which will need to be replaced.
- Valley Boulevard water line replacement – In 2009 the Water Authority contacted American Contracting to complete and replace 4,000 feet of 6" diameter water line with a new 8" diameter water line. The project was finished early this year.

- Meter reading – Water Authority crews are approximately 60% finished with installing remote radio read units.

There were no new connections in June for Ferguson Township. Total connections for the year were 15, which is very low.

## **VI. PUBLIC HEARINGS – ORDINANCES**

- 1. PUBLIC HEARING ON AN ORDINANCE AMENDING THE CODE OF ORDINANCES APPENDIX H, STREETS AND SIDEWALKS, BY ACCEPTING AS PUBLIC STREETS THE FOLLOWING: (1) A DEED OF DEDICATION FROM TEMPLE FAMILY PARTNERSHIP FOR A SECTION OF MARTIN STREET; (2) A STREET EASEMENT FROM DANIEL D. SAHAKIAN FOR PORTIONS OF UNNAMED STREETS RIGHTS OF WAY IN HILLSIDE FARM ESTATES PHASE 2; AND (3) A DEED OF EASEMENT FROM THE PENNSYLVANIA STATE UNIVERSITY FOR A SECTION OF WHITEHALL ROAD; AMENDING THE CODE OF ORDINANCES, APPENDIX F, PUBLIC PROPERTY, BY ACCEPTING AS PUBLIC PROPERTY THE FOLLOWING: (1) A DEED OF DEDICATION FROM DANIEL D. SAHAKIAN FOR PARKLANDS IN HILLSIDE FARM ESTATES PHASE 2; (2) A GRANT OF EASEMENT FROM C2S, L.P., FOR MAINTENANCE AND REPAIR OF TRAFFIC SIGNALIZATION EQUIPMENT AND SIGNAGE; (3) A GRANT OF EASEMENT FROM RAYTHEON COMPANY FOR MAINTENANCE AND REPAIR OF TRAFFIC SIGNALIZATION EQUIPMENT AND SIGNAGE; AND (4) A GRANT OF EASEMENT FROM DEHAAS BUILDERS, INC., FOR MAINTENANCE AND REPAIR OF TRAFFIC SIGNALIZATION EQUIPMENT AND SIGNAGE; AMENDING THE CODE OF ORDINANCES APPENDIX F, PUBLIC PROPERTY, BY GRANTING A DEED OF EASEMENT TO THE BOROUGH OF STATE COLLEGE, FOR THE PURPOSE OF CONSTRUCTION, MAINTENANCE, AND USE OF A BICYCLE PATH.**

The deeds and easements have been reviewed by Township Solicitor Lewis Steinberg and have received his approval. Mr. Kunkle said all roads have been accepted and bonded, except for two of them from Daniel Sahakian for Hillside Farm Estates

Mr. Pytel asked about the Sahakian land that has not yet been conveyed by deed of dedication. Mr. Kunkle explained that the easement was accepted under agreement. When those sections of street come in under the next final phase of the subdivision plan, they will be included in the final plan and conveyed by deed of dedication after construction and inspection to meet township standards.

Mr. Heinsohn made a motion to adopt Ordinance 936, accepting and conveying certain tracts of land (noted above) as described in the ordinance. Mr. Miller seconded the motion. With Mr. Heinsohn, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

- 2. PUBLIC HEARING ON AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 27, ZONING, PART 10, ADMINISTRATION AND ENFORCEMENT, SECTION 1003, LAND DEVELOPMENT PLAN REVIEW, BY DELETING THE EXISTING SUBSECTION 3, ALTERATIONS, AND SUBSTITUTING THEREFORE A NEW SUBSECTION 3, ALTERATIONS.**

This ordinance deals with the procedure in the zoning ordinance that allows an alteration plan to be submitted instead of a full subdivision or land development plan in certain cases. It simply modifies the procedure and the notes on the plan to clarify that what the applicant is doing is consistent with the MPC and to ensure that the proper signatures are on the plan.

Mr. Pytel made a motion to adopt Ordinance 937, amending the Township Zoning Ordinance Minor Alteration Review and Approval Procedure. Mr. Heinsohn seconded the motion. With Mr. Heinsohn, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

- 3. PUBLIC HEARING ON AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 27, ZONING, AS FOLLOWS: (1) PART 12, DEFINITIONS, SECTION 1202, DEFINITIONS, BY ADDING THE DEFINITION OF COMMUNITY GARDEN; (2) PART 2, DISTRICT REGULATIONS, SECTION 204, USE REGULATIONS, BY ADDING SUBSECTION MM, COMMUNITY GARDENS; (3) PART 4, RESIDENTIAL DISTRICT, SECTION 401, SINGLE-FAMILY RESIDENTIAL DISTRICT, SECTION 401A, SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT, SECTION 402, FAMILY RESIDENTIAL DISTRICT, SECTION 403, TOWNHOUSE RESIDENTIAL DISTRICT, SECTION 404, MULTI-FAMILY RESIDENTIAL DISTRICT, SECTION 405, VILLAGE DISTRICT, SECTION 406, MOBILE HOME PARK DISTRICT, AND SECTION 407, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT, BY ADDING COMMUNITY GARDENS AS A PERMITTED USE IN EACH; AND (4) PART 6, INDUSTRIAL DISTRICT, SECTION 602, LIGHT INDUSTRIAL RESEARCH AND DEVELOPMENT DISTRICT, BY ADDING COMMUNITY GARDENS AS A PERMITTED USE.**

On May 17<sup>th</sup> the Board adopted an ordinance allowing community gardens in certain zoning districts. During the public hearing process Board members requested that the ordinance be amended in two respects: 1) on-site signage; and 2) winter cover crops.

Mr. Miller made a motion to adopt Ordinance 938, a revised ordinance permitting community gardens in certain zoning districts. Mr. Heinsohn seconded the motion. With Mr. Heinsohn, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

## **VII. PUBLIC HEARINGS – RESOLUTIONS**

- 1. A PUBLIC HEARING ON A RESOLUTION AUTHORIZING THE TOWNSHIP TO RELINQUISH THE DECLARATION OF TAKING OF LANDS OF CERTAIN PROPERTY OWNERS AS IDENTIFIED HEREIN AND AS SHOWN ON THE RIGHT OF WAY INDEX MAP FOR OLD GATESBURG ROAD, SAID LANDS BEING LOCATED IN THE TOWNSHIP OF FERGUSON.**

Mr. Kunkle said on May 17<sup>th</sup> the Board adopted a resolution authorizing the filing of a declarations of taking on three properties for the construction of Old Gatesburg Road Extension. It has since been determined that the Township was out of sequence with regard to the acquisition of the right of way as required by the federal acquisition procedures. Since there are federal funds involved, they are obligated to follow certain guidelines established by the federal government. Mr. Kunkle summarized the improper sequence that was followed, as well as the process of getting back in step with the federal standards.

Mr. Pytel made a motion to adopt Resolution 2010-19, repealing Resolution 2010-15 by relinquishing the declarations of taking for the Old Gatesburg Road Extension Project. Mr. Heinsohn seconded the motion. With Mr. Heinsohn, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

## **VIII. COMMUNICATIONS TO THE BOARD**

Mr. Heinsohn had a conversation with a resident who operates a vineyard in the Township. At some point, a requirement was placed on him that 100% of the grapes he processes and sells must be from his own

land. This is proving to be very burdensome for him. He has discovered that no other vineyard in the state of PA requires this, and the Supreme Court recently ruled that such requirements are unlawful.

Mr. Killian said a resident of Greenleaf Manor contacted him regarding a draft Circleville Farm master plan that was submitted to staff. There was a perception that the Board has already received such a plan, which is not the case. Staff has received a plan, but the Board has not. The plan is still in draft form. The next step will be to submit it to the Planning Commission for their review. It will be several months before this Board will see the plan.

## **IX. ACTION ITEMS**

### **1. MID-YEAR FINANCIAL REPORT – ERIC ENDRESEN, DIRECTOR OF FINANCE**

Focusing on the General Fund, overall revenues are down 6.5% as compared to 2009 and overall expenditures are down 5.3% as compared to 2009. A closer look at the major revenue of earned income, real estate transfer, and local services taxes shows that these major revenues are down 6.72% as compared to the same time period in 2009. This is cause for concern at this time. Real estate transfer taxes are up slightly as compared to the same time period in 2009. This may be due to the first time homebuyers tax credit.

Eric Endresen, Director of Finance, said this report is based on an actual 6-month budget. He provided an overview of the mid-year financial report. Mr. Killian said the bottom line is that revenues are down, but the expenditures are down almost equally. Mr. Endresen agreed.

### **2. DISCUSSION OF POTENTIAL TRAFFIC CALMING POLICY – DAVID MODRICKER, DIRECTOR OF PUBLIC WORKS**

On June 21, 2010 the Board requested that staff prepare a presentation on a traffic calming policy. The Board's consideration of such a policy is the result of a request by property owners in Park Hills and concern about increased cut-through traffic that may result from development of Circleville Farm and increased traffic avoiding Atherton Street. This policy would apply to certain classifications of streets meeting certain thresholds for traffic volume and speed exceeding the posted speed limit, as well as a certain number of property owners requesting traffic calming.

Mr. Modricker provided a flow chart for the Board, as well as a summary on traffic calming policies – a definition of traffic calming, the purpose of traffic calming policies, and information on when to consider traffic calming policies. He said the start of this process would be a request from a resident. He provided a summary of eligibility criteria for a traffic calming policy.

Mr. Pytel asked how much money and time will be spent before the Board gets to see a request for traffic calming measures. He said it looks like there will be a lot of expenditures before that point. Mr. Killian said it is important to set the proper criteria in advance. Mr. Pytel suggested requiring that 50-51% of those living on a particular street be supportive, rather than a specific number. Mr. Modricker said the purpose of presenting the policy to the Board at this point is to establish what the criteria should be.

Mr. Miller believes it is a good idea to go ahead with the policy since the Township receives a lot of requests from residents on reducing traffic volumes and speed. Mr. Killian supports the process as well, and asked if there is a down side to it. The negatives would be costs associated with constructing the improvements and the fact that traffic calming can be controversial. Mr. Modricker said there are different techniques to control volume, such as the use of physical obstructions, etc.

**Christine Bailey**, 115 N. Butz Street, said traffic calming has come to her view because of the proposed TSS district. It is being suggested that by reducing the number of travel lanes to two, and by reducing the width of the travel lanes, allowing parking on both sides of W. College Avenue is one way of achieving this. But traffic calming measures can be separated into two groups. Based on the major impact intended, there are volume control measures that are primarily used to address cut-through traffic. There are problems by locking certain movements, thereby diverting traffic to streets that are better able to handle it. Speed control measures are primarily used to address speeding problems by changing the vertical or horizontal alignment and narrowing the roadway. The distinction between two types of measures is not as clear as their name suggests, since both volume and speed control measures frequently and inadvertently divert traffic to alternate routes and volume control measures usually slow down traffic. The term "traffic calming" is an oversimplification of a complex issue. She offered several alternate suggestions, including: reduced speed zone signage, speed change from 35 mph to 25 mph, speed trap ahead signage, bicycle lanes, ticketing, interactive pedestrian crossings, designated crosswalks, green pedestrian crossing signage, green cones and signage, radar-activated cameras, and radar "this is your speed" signs. There is not just one way to calm traffic. Alternatives need to be considered.

Mr. Heinsohn made a motion that staff should proceed further with development of a traffic calming policy, recommend a public input process, research the budget impact of the policy, and determine operational issues, if any. Mr. Pytel seconded the motion. The motion passed unanimously.

Mr. Heinsohn asked how a policy could be revised after adopted. Mr. Kunkle said if it was adopted by resolution, it could be amended by the Board at any meeting thereafter.

### **3. DISCUSSION OF FEE-IN-LIEU OF PARKLAND FOR RESIDENTIAL LOT SUBDIVISIONS IN RA AND RR ZONING DISTRICTS**

Mr. Killian said the intent is to refer this issue to the Planning Commission for their discussion. Ms. Lang provided a memo outlining the three issues with regard to the application of this requirement in the subdivision and land development ordinance.

Mr. Pytel made a motion to refer all three issues to the Planning Commission for a recommendation to be further considered by the Board of Supervisors. Mr. Miller seconded the motion. The motion passed unanimously.

### **4. RECEIVE REQUEST FOR SPEED LIMIT REDUCTION ON STONEBRIDGE DRIVE**

Mr. Kunkle said the roadway runs between Whitehall Road and Bristol Avenue. It is posted at a 35mph speed limit and is a collector street. The radar speed detector was posted July 15<sup>th</sup> – July 17<sup>th</sup>. In the northbound direction, the average speed was 30.3 mph. In the southbound direction, the average speed was 26.7 mph. Northbound, about 89% of the traffic was within a reasonable speed of the posted speed limit. Southbound, about 81% of the traffic was within a reasonable speed of the posted speed limit. Mr. Kunkle provided other data collected from the radar detector. He said some warrants could be met to reduce the speed limit further from 35mph to 25mph if the Board wants staff to continue studying this road. Mr. Miller said 35mph seems like an appropriate speed limit for the classification of street. Mr. Heinsohn said with the completion of Bristol Avenue, which will create heavy through traffic, things may change.

The Board's consensus was not to go any further and to leave the posted speed limit as 35 mph.

### **5. RESIGNATION OF AL GEHN FROM PLANNING COMMISSION**

Al Gehn advised staff of his resignation from the Planning Commission. Mr. Gehn's term expires on December 31, 2010. Copies of the current applications submitted by interested residents for positions on the Planning Commission were provided for the Board. Based on the distribution of current Commission members, the Board should seek to fill the vacancy from Ward III.

The Board's consensus was to advertise this position in order to find someone from Ward III to serve on the Planning Commission.

## **6. JUNE 2010 VOUCHER REPORT**

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

## **7. CONSENT AGENDA**

- a. June 2010 Treasurer's Report
- b. Time Extensions:
  1. S&A Subdivision Plan
  2. Happy Valley Vineyard and Winery LDP

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

## **X. REPORTS**

### **a. Manager**

- The Township received a request to locate a memorial at Greenbriar/ Saybrook Park for Michael Weston, a DEA Agent who lost his life in the helicopter crash in Afghanistan. His family lives in Greenbriar and it would seem appropriate to allow a memorial to be established in the park. The Township does not have a policy about what constitutes the criteria to allow a memorial to be created in a park or other municipal property. Provided were an article about Michael Weston, the email request received by Ron Woodhead, Director of CRPR, and a photo example of what the DEA desires to establish as a memorial. The Board should determine if this is an appropriate use and location for such a request.

Mr. Heinsohn expressed the importance of formulating a policy. There is a time constraint. Mr. Killian said the Centre Region already has a bench/tree memorial program that this group could consider using. Mr. Kunkle said it would fall upon staff to develop a policy proposal for the Board to consider. This particular request is coming from another governmental agency, so this might be somewhat different than if the family had made the request. There should be a policy in place in case this occurs again in the future. Mr. Miller said, because of the time constraint, the Board should vote on this specific request and then adopt a policy in the future. The Board's consensus was to allow this memorial that is the subject of this request while also developing a policy going forward.

- Provided was a request from the CRPR Board seeking the Board's input on establishing a "Remembrance Tree Arboretum" at the Tom Tudek Memorial Park. Some of the Tudek Park

Trustees have not provided their input on this suggestion, but the idea would also need the Board's approval. There are two areas being suggested for this arboretum.

Mr. Kunkle said there is sufficient area for the arboretum.. Mr. Miller suggested finding out the specifics before proceeding. Mr. Killian asked how a tree is purchased. Mr. Kunkle said the CRPR has a program. Depending on the size, trees cost between \$250-\$350, including the planting. There is a plaque hanging on the tree, indicating who the tree is planted in memory/honor of. The Board's consensus was that if the Tudek Trust approved the location then the Board was satisfied with the location..

#### **b. Public Works Director**

**Whitehall Road Widening:** Staff received feedback from the Board on the above project at a worksession on June 7<sup>th</sup>. Mr. Keough was not able to attend, so Mr. Modricker met with him on July 12<sup>th</sup> to discuss the project. He subsequently met with Mr. Keough, staff, and the consultant on July 14<sup>th</sup>. The design consultant, Trans Associates, is 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 29<sup>th</sup>. The project team met on July 13<sup>th</sup> to review the contract estimate and coordination of work and cost sharing between the Township and Pine Hall Development Company. The Township engaged the services of Interstate Acquisition Services, IAS, to assist with right of way acquisition. 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.

Microsurfacing in select neighborhoods is complete. The contractor is finishing work on Blue Course Drive.

#### **c. Director of Planning and Zoning**

Ms. Lang said the Planning Commission will meet for the first time this month on July 26<sup>th</sup>.

#### **d. Chief of Police Report**

Part 1 and Part 2 crimes, calls for service, traffic citations, and parking tickets are slightly lower than this time last year.

The Police Department was very busy in the month of June. Officers assisted in preparing for the Arts Festival, as well as a number of other events. There were a few fireworks incidents, one of which was more serious, as well as the python incident.

#### **I. POTENTIAL AGENDA ITEMS FOR UPCOMING MEETINGS**

- Adoption of Ag Security Area
- Public Hearing on 2011-2015 CIP Budget
- Authorization to submit Transportation Enhancement Grant Application for Pine Grove Mills Streetlight Project
- RA Buffer Ordinance

## **II. MINUTES**

### **1. June 29, 2010 BOS Worksession**

Mr. Pytel made a motion to approve the June 29, 2010 BOS Worksession minutes. Mr. Miller seconded the motion. The motion passed unanimously.

### **2. July 6, 2010 BOS Regular Meeting**

Mr. Heinsohn made a motion to approve the July 6, 2010 BOS Regular Meeting minutes. Mr. Pytel seconded the motion. The motion passed unanimously.

The next worksession regarding the proposed TSS District is Thursday, July 22<sup>nd</sup>.

## **III. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Mr. Killian adjourned the July 19, 2010 Regular Meeting at 8:46 pm.

RESPECTFULLY SUBMITTED,

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Mark Kunkle, Township Manager  
For the Board of Supervisors

Date approved by the Board: 08-02-2010