

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting

Tuesday, September 7, 2010

7:00 pm

I. ATTENDANCE

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

Board: Richard Killian, Chairman	Staff: Mark Kunkle, Township Manager
Steve Miller	Trisha Lang, Director of Planning and Zoning
Bill Keough	David Modricker, Director of Public Works
George Pytel	

Others in attendance included: Marsha Buchanan, Recording Secretary; Al Drobka, Architect; Ken and Delores Sills, Leisure Lane; Susan Shields, Leisure Lane; Lee Shields; Terry Williams, Attorney; Charles Driscoll; Rod Stahl, Stahl Sheaffer Engineering; Harry Marshall, Westfield Subdivision; Ruth Cooper; Joe and Delores Homan, Leisure Lane; and Joe Gherardi.

II. CALL TO ORDER

Mr. Killian, Chairman, called the September 7, 2010 meeting to order at 7:00 pm. There was an Executive Session prior to this regular meeting to discuss potential litigation regarding the RA Buffer Amendment, and there will be another Executive Session regarding a personnel issue and an issue of potential land acquisition following the regular meeting.

III. PUBLIC HEARINGS – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE A WINTER MAINTENANCE AGREEMENT WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR A PORTION OF STATE ROUTE 3018 (WHITEHALL ROAD)

The Township has provided winter maintenance on a portion of Whitehall Road for the past 10 years. The agreement provides for a per-lane mile compensation totaling \$10,319.56, which will be equally divided over the five year period. PADOT has advised staff that once the Whitehall Road widening project is completed, a revised winter maintenance agreement will be provided in order to compensate the Township for the additional winter maintenance responsibilities.

Mr. Keough made a motion to adopt Resolution 2010-24, authorizing the Chairman and Secretary to execute a Winter Maintenance Agreement with the PA Department of Transportation for a portion of State Route 3018 (Whitehall Road). Mr. Pytel seconded the motion. With Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

2. A PUBLIC HEARING ON A RESOLUTION AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE A TRAFFIC SIGNAL MAINTENANCE AGREEMENT WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR THE INTERSECTIONS OF WEST COLLEGE AVENUE/WHITEHALL ROAD AND RESEARCH DRIVE/WHITEHALL ROAD

Since modifications will be made to the West College Avenue traffic signal and a new traffic signal will be installed at Research Drive, a maintenance agreement is required. The agreement is the standard agreement the Township has for each of the traffic signals in the Township.

Mr. Keough made a motion to adopt Resolution 2010-25, authorizing the Chairman and Secretary to execute a traffic signal maintenance agreement with the PA Department of Transportation for the

intersections of West College Avenue/Whitehall Road and Research Drive/Whitehall Road. Mr. Pytel seconded the motion. With Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

IV. COMMUNICATIONS TO THE BOARD

Mr. Pytel said some people are upset that the COG has not taken a stand on reopening the railroad in Rush Township which will follow the rails to trails route. He received an article on the railroad going across the trail for the landfill and received several calls on this.

Mr. Pytel also said the Ordinance Enforcement Officer became involved in resolving the issue of the high grass and weeds on the property next to Mark Kline's garage in Pine Grove Mills.

Mr. Keough was in contact with a resident regarding agenda information for tonight's meeting. The Ferguson Westfield Homeowners Association would be discussed during the Manager's Report but was not listed on the agenda. The resident requested that more detail be added to agendas so people can be aware of topics that may impact them. Mr. Kunkle said, when possible, he would be willing to add report topics to the web site agenda if the Board wants him to. Mr. Keough noted that if a public-sensitive item is going to be presented, the public should be notified on the agenda. Mr. Killian will connect with staff and report back on that issue.

V. ACTION ITEMS

1. MERCEDES BENZ OF STATE COLLEGE FINAL LAND DEVELOPMENT PLAN

One of the significant issues related to this plan deals with stormwater and the concentration and discharge of stormwater flow onto the adjacent property. A second issue of concern deals with the landscaping along Whitehall Road. The developer's engineer has not placed the landscaping in a location that anticipates the future Whitehall Road Widening Project. The location of the proposed landscaping will be removed upon widening of Whitehall Road and therefore the plan would not comply with current Township land development regulations.

Ms. Lang said the proposal is the construction of a Mercedes dealership on land that is accessed from Leisure Lane. She provided an overview of outstanding items. Pennoni has indicated that all of their concerns have been adequately addressed. With regard to the issue of Leisure Lane, there is one comment under planning issues that asks for clarification of a plan note related to that. They have a total of 11 comments remaining, 10 of which are conditions of approval as recommended by the Planning Commission.

Mr. Keough asked if there has been any review on the part of the Centre County Planning Office in terms of impacts on a preserved farm. Ms. Lang said after their first review of the project, there were some concerns. She contacted Pennoni Engineering to discuss these concerns. Since then, the Township's reviewing engineer at Pennoni has provided a review letter noting that the conservative design for stormwater management on the site should not have a negative impact on the adjacent property. She has not heard of any further concerns with regard to the design and the impacts of it.

Mr. Keough asked about the status of the resolution of the required buffer planting along Whitehall Road. Ms. Lang said the plan reflects the right of way as it was when the plan was submitted and as it exists today. The plan as presented to the Board includes both the sidewalk and the landscaping, but when the road is widened, there will no longer be room for both of those items. The sidewalk would

most likely remain. The plans for Whitehall Road should show the inclusion of the sidewalk. Mr. Kunkle said the new right of way has been set, but is not yet owned.

Terry Williams, Attorney, said until PADOT takes action, planning must be done based upon the existing circumstances. Mr. Keough said the plans that were laid out by PADOT are very detailed and specific with regard to what right of way they plan to take, and the project is expected to be completed in 2011. Mr. Williams said they do have a backup plan, but that depends on what PADOT does. A decision will have to be made at the time regarding what to do with the Township regulations. Mr. Pytel said the funds are set aside for the Whitehall Road widening project. He asked when they will build the proposed building. Mr. Williams said that depends on plan approval and economics.

Mr. Pytel said they cannot require the installation of a buffer if PADOT takes that property. Mr. Williams agreed that circumstances may be different in a few years, but said within a 5-year timeframe following approval, changes from PADOT would not affect the plan. That may mean there is no appropriate modification. Mr. Keough said the plan calls for the landscape buffer to be installed. Mr. Williams said if the building is there, the landscape buffer will be there before there is occupancy, or surety must be posted.

Mr. Pytel provided a scenario for the Board. Mr. Keough does not want to see the owner or the taxpayer incur unnecessary expense.

Mr. Modricker said the stormwater has been addressed. The sidewalk will be built with the road project. Ms. Lang said there is an existing agreement in place for the use of Leisure Lane. The owner of this property has addressed maintenance of the portion of Leisure Lane that serves his property.

Susan Shields, Leisure Lane, provided the residents' perspective on access through Leisure Lane. In January the residents were approach with a version of a private road access maintenance agreement from the developer. They had initial discussions. After the second version of the agreement, one of their initial concerns was still not addressed in this agreement. Time progressed; they never heard back from Mr. Driscoll. The developer proceeded with his request and submission to the Planning Commission. Also, he said he was unable to come to an agreement with the landowners for a maintenance agreement on Leisure Lane, and he believed the existing agreement that was signed in 1989, which does not meet the Township's standards, would suffice.

Ms. Shields said the property owners do have an agreement on the table. They submitted their version as of August 24th that references plan notes for the use of Leisure Lane. She requested that the Board's decision for approval be tabled until they have a signed version of that agreement. Ms. Lang said the existing agreement was recorded in 1989. The property on which the dealership is located was owned by people who were party to that agreement and signed it. It was not and is

not subject to the Township's subdivision and land development regulations. When this property came in to be developed, they encouraged Mr. Driscoll to reach a maintenance agreement with the other property owners along the roadway because the 1989 agreement does not have much content. They indicated that their concern was the requirement for maintenance of the portion of the private street that the owner will be using as part of this plan. The only thing the Township will get as a result of the land development plan (LDP) is an assurance from Mr. Driscoll that he will maintain that portion of Leisure Lane that provides access to his property.

Ms. Shields said in their new version of the agreement, they have clarified the wording on maintenance of Leisure Lane, which seemed contradictory. The existing agreement from 1989 refers

only to access and does not address maintenance. Ms. Lang agreed, but said the existing agreement is not subject to the Township's ordinance.

Ms. Shields said she understands that Leisure Lane extends to the end of Mr. Driscoll's property, so Leisure Lane in its entirety would be maintained by the developer. They would like to have a notation that indicates that the maintenance would be as near to current conditions as they exist today. Ms. Lang said the Township does not have street standards for private streets. Mr. Pytel sought clarification on Ms. Shields' property line. Ms. Shields explained. Ms. Lang said the note on the plan identifies the entire parcel. Ms. Shields re-emphasized the importance of providing clarification on the type of maintenance required.

Mr. Pytel said Mr. Driscoll would be required to keep this road open and maintained all the way up to Ms. Shields' property line. Mr. Killian said through this LDP, Mr. Driscoll has committed to maintaining Leisure Lane, which strengthens the residents' situation. Currently he does not have to maintain the road. Ms. Shields said the residents have maintained the road now for a number of years. They have established a certain level of maintenance for the road. They are concerned that Mr. Driscoll would not maintain the same standard they have already established. That is the main issue. Ms. Lang said the property owners may continue working out an agreement with Mr. Driscoll.

Mr. Williams said the process from the legal perspective is that the Township has no authority to require private development agreements on an existing right of way. There have been negotiations between the parties. The land owner will continue to work with these property owners, but it is a private matter that is not a part of the land development process. The Township has standards as to the intersection. The road is macadam. It is not a realistic concern to assume the land owner will not maintain that road as macadam. In all likelihood there will be an upgrade up to the owner's property line. They provided the Township with a letter on August 4th indicating that the land owner has agreed to do certain things related to signage, etc. They will continue to work with the residents in an attempt to come to a resolution.

Mr. Keough asked if the land owner has provided the baseline standard that is acceptable to the residents in discussion. Mr. Williams said the standard they are going by is that the road will be maintained "in at least the same condition as it is in now or better." He understands that to be part of the maintenance clause.

Lee Shields said the issue could be clarified if the note on the plan indicated that the owner would maintain the road in its current condition. Ms. Lang said the Township does not have the authority to enforce that. They can continue to discuss that at the civil level. Mr. Keough asked why such a note is not in the agreement that has been proposed. Ms. Shields said the version they submitted included that, but the version they received contained an exception for paving. Mr. Williams said there has been progress toward an agreement, and they will continue moving in that direction.

Mr. Keough asked if Mr. Williams could send notification to the Board via Mr. Kunkle when a resolution is reached. Mr. Williams agreed that an informational memo could be sent.

Mr. Miller shares some concerns, but in terms of the Township's authority, he believes they have fulfilled their responsibilities.

Mr. Miller made a motion to approve the Mercedes Benz of State College Final Land Development Plan, subject to the completion of the outstanding conditions as set forth in the Planning and Zoning

Director's memorandum dated September 1, 2010. Mr. Pytel seconded the motion. The motion passed unanimously.

2. SCIENTIFIC SYSTEMS, INC. FINAL LAND DEVELOPMENT PLAN

Ms. Lang said this is a 5,000 square foot expansion of the existing office building on Science Park Road with some associated parking. The project has received the necessary variances with regard to buffer planting along the property boundary. There are existing easements in that area. They have also received a modification with regard to infiltration in the basin. The remaining items are listed as administrative issues #1-7.

Mr. Modricker is satisfied that the detention pond issue has been dealt with appropriately. The Township is utilizing that basin upon construction of Old Gatesburg Road. He believes it will service adequately for the requested expansion, without the infiltration.

Mr. Pytel made a motion to approve the Scientific Systems, Inc. Final Land Development Plan, subject to the completion of the outstanding conditions as set forth in the Director of Planning and Zoning memorandum dated September 1, 2010. Mr. Miller seconded the motion. The motion passed unanimously.

3. RECOMMENDATIONS ON FEE-IN-LIEU FOR PARKLAND FOR RR/RA SUBDIVISIONS

On July 19th, the Board referred to the Planning Commission the question of parkland fee-in-lieu and its applicability to subdivisions in the RA/RR zoning districts for residential development. This became a matter of concern during the Albright Subdivision and the S&A Subdivision, wherein land was subdivided in the RA/RR zoning districts for residential development. As such, the regulations for fee-in-lieu dedication under the Subdivision and Land Development Ordinance applied.

Ms. Lang provided further details. There are a total of 3 issues, which the Planning Commission discussed on July 26th. They are as follows:

1) Application of the fee-in-lieu to residential dwelling units that occur by right on properties of 50 acres or more in the RA zoning district

Two property owners have asked for relief from applying that fee, putting it off until such a time that those units must be built. But the Solicitor has indicated that doing this is not consistent with the provisions of the Municipalities Planning Code (MPC). It is a concern to many people since these units are often never constructed. The Planning Commission would prefer *not* to charge this fee at the time of subdivision approval. One option they considered in this case was to charge a flat fee that is considerably less; the other option was the possibility of establishing a conditional use approval, rather than a by right approval. The concern has been raised that this has always been a by right use and that adding another level of approval may not be well received.

Mr. Kunkle said the fee-in-lieu provision was amended shortly after 1988 and was included in the Subdivision and Land Development Ordinance. Mr. Keough expressed concern that there is no documentation to support the practice for 20 years of not charging this fee.

Mr. Keough said the RR and RA zones were never included in the application of a fee-in-lieu or dedicated parkland policy. Ms. Lang said there is only an ordinance. She is not aware that there has been any purposeful exclusion of development in those zoning districts.

Mr. Keough asked if the MPC mandates or simply allows the fee-in-lieu to be charged. Ms. Lang said it is something that is permitted, but not mandated. The MPC is specific about what can be collected and how it can be spent. The Township recently revised the way they calculate the fee, so that has some variability amongst municipalities, but there needs to be a rational relationship between how they collect the fee and what the impact is for which they are receiving the revenue.

Mr. Keough asked, as a Home Rule Municipality, whether the Township has any right or authority to apply this requirement in another way besides collecting a fee-in-lieu. Mr. Kunkle said no, because the MPC is considered a uniform statute in the Commonwealth of PA.

Mr. Keough asked, in thinking about applying this to the RA/RR lands, what the Township will do if a preserved farm is subdivided where there is strict limitation with regard to development. Mr. Kunkle said if there was a conservation easement and the property was able to be subdivided, a fee-in-lieu could be collected. Ms. Lang said if the rights associated with the preservation of the farm restricted the ability to build the additional dwelling units, then the Township would not be assessing the fee-in-lieu.

Mr. Keough does not believe the citizens of Ferguson Township have suffered at all with regard to the fact that this fee has *not* been collected in the past. When farm land is sold as farm land, he believes it is inappropriate to charge a park tax or a fee-in-lieu. In that regard, the only time that comes up is when the farm is subdivided and sold as farmland to two other farmers to add to their acreage. Ms. Lang said if someone buys it to consolidate with their farm, it would not be a standalone lot and would not have the ability for three residential units to be built. If it is sold as a separate lot, then it carries with it those three development rights, and then a fee-in-lieu would be assessed. Mr. Keough said RA/RR land in Ferguson Township has been providing recreation to residents for a long time, but their provision of recreational activities are different than the concept that currently exists of building a park with specific amenities. Mr. Killian clarified Mr. Keough's view that RR/RA land should be exempt from fee-in-lieu charges.

Ms. Lang said the Township does not charge fee-in-lieu for commercial or industrial zones. The fee only applies to the potential for residential development.

In general, Mr. Pytel agrees with the Commission, as well as with Mr. Keough. If a farmer is going to farm, he believes the Township should do what it can to help that farmer. He has no problem with charging or not charging the fee-in-lieu, except for when a farmer begins subdividing his lots.

Mr. Miller does not believe there are normally three houses on a lot. The intent of the fee-in-lieu is to spread the cost of parks across the residences. An RR subdivision is a residential subdivision. For RA, there is a provision for subdividing two additional lots. He believes that RA lots larger than 2 acres should be exempted, since those lots are committed for farm use. Any subdivision in the RR zone is residential by definition. Mr. Pytel agreed. Ms. Lang said it would be clearer to clarify the difference between a residential lot and a farm lot. Mr. Keough said if the 300 acre farm were subdivided into 3 - 100 acre farms, this would not trigger the fee-in-lieu according to Mr. Miller's suggestion. But of those 300 acres, only one of the parcels has a dwelling unit on it. He asked, if the purchases of the other 2

farms choose to put one house on it in order to live on their farms, whether that would trigger the fee-in-lieu. Mr. Miller said no, because the lots are larger than 50 acres. Mr. Killian summarized.

2) Whether residential development outside the regional growth boundary should be charged a different fee than those inside

The Board said the fee-in-lieu land should continue to be charged for RR land. The question is whether that fee should be something less. The Planning Commission believes that, based on the location of the majority of parks in the Township and, for some people, the issue of CATA access to those parks for those who live outside the growth boundary, those people have less availability of park resources by virtue of where they live, so perhaps a lesser fee would be appropriate. It would be a matter of changing the fee schedule rather than changing the language of the ordinance. It is an issue of equal opportunity.

Mr. Pytel said they cannot distinguish between these items. If a property is zoned RR, it needs to be considered residential. Mr. Modricker said they may be challenged if those outside the growth boundary were charged a lesser fee. Mr. Miller said the proposed regional parks will most likely be used by people outside the growth boundary. Mr. Keough further inquired about what would trigger the fee-in-lieu. He suggested that a lesser fee be charged for residential properties outside the growth boundary. Mr. Miller, Mr. Pytel, and Mr. Killian would prefer the fee to remain the same.

3) Allowing both residential and non-residential uses on the same lot and in the same building

Ms. Lang provided options for the Board to consider. She will make the two revisions to the current language and bring it back to the Board as a text amendment after sharing it with the Township Solicitor.

4. RECEIVE REQUEST TO CONSIDER ACCEPTING A PORTION OF CRANDALL DRIVE AS A PUBLIC STREET

Patton Township has evaluated the roadways in the remainder of the development and has indicated a willingness to accept them, subject to improving them to Township standards.

Mr. Modricker said the Homestead Farm Homeowners Association requested that the Township take over a portion of Crandall Drive as a public street. The majority of the development is in Patton Township. Residents have been in discussion with Patton Township for quite some time regarding their portion of the road. Mr. Modricker conducted a field view with Mr. Kunkle on August 24th and provided his notes on this. Typically when they receive requests like this, it is required that the road be brought up to Township standards before the Township considers taking over the road. In this case, the biggest issue is stormwater. The development did not have any stormwater conveyance, detention, inlets, etc., other than at the very low point, where Crandall Drive nearly intersects Valley Vista Road in Ferguson Township. They are being asked to take over a road with potential stormwater problems. Other information would also be necessary.

Mr. Modricker said the road itself is 20' wide. The current standard is 26' wide. A leveling course and an overlay would probably be sufficient to bring the road cross-section up to standard. He suggested that the width should be left at 20'. He is not aware of the condition of any of the utilities of the

roadway. Mr. Keough asked if the curbing is sufficient to represent curbing. Mr. Modricker said yes, but not with a 1 1/2" overlay.

David Whitman, representing the Homeowners Association (HOA), said he recognizes that the curbs would need to be upgraded. The HOA had not heard anything about stormwater issues prior to this September 7th meeting. Mr. Modricker said the report prepared by the Patton Township Public Works Director excludes an analysis of any stormwater upgrades that may be necessary, and those happen to be in Ferguson Township.

Mr. Miller clarified that the Township would want to see these upgrades: overlay, curbing, and undefined stormwater requirements. Mr. Modricker said they would also need an easement and location of underground utilities, as well as a few other items.

Mr. Whitman said it would help the HOA if the Townships took over this entire roadway. The planning documents on the original subdivision would require cooperation of both municipalities, and the entire road would need to be dedicated. If they cannot come to a mutually agreeable situation with the two Townships, then the HOA may pursue dedication of other roads that are solely within Patton Township. Mr. Modricker said this particular piece of Crandall Drive is small in comparison to the rest of the project, so it would make sense that if the project was happening in Patton Township, that section of Crandall would be completed as well.

Mr. Kunkle said the main question is whether the Board will accept Crandall Drive if it is brought up to Township standards. Mr. Pytel said if the water runoff is addressed and if the road is brought up to Township standards, he would be in agreement with the Township taking over the road.

Mr. Kunkle suggested that Mr. Modricker put together the scope of work that would be required for the HOA's acceptance. If they would accept that scope of work, it would be brought back to the Board for approval of acceptance of the road, subject to bringing the road up to Township standards based upon a scope of work that Ferguson Township's engineering department would prepare. Mr. Keough suggested that the scope of work should be in line with Patton Township's side of the project. Mr. Whitman said Patton Township seems willing to work on a joint standard with Ferguson Township.

Mr. Kunkle said Mr. Modricker will put the scope together to provide for the HOA. This would include stormwater analysis, curbing, stormwater drainage system design, overlays, easements, signage, etc. Mr. Modricker said the biggest unknown at this point is doing the hydrologic and hydraulic analysis to see what upgrades to the storm system are necessary. Mr. Pytel suggested that Mr. Modricker work with the HOA in order to figure out what needs to be done and by whom.

Mr. Modricker said this would be measured by today's standards. Mr. Kunkle said the Board would need to provide a modification with the roadway.

Mr. Whitman said the HOA has their annual meeting on September 27th. He clarified the Board's consensus. Also, the HOA assesses a yearly fee, half of which goes to ongoing maintenance, the other half which has been saved to pave that road in the future. They have negotiated a long-term property assessment approach with Patton Township for the majority of their roads. He asked if the Board would consider a similar deal. Within Patton Township, they have a longstanding relationship where Patton Township does much of their maintenance already.

Mr. Kunkle cautioned the Board that there are 5 properties along Crandall Drive that are in Ferguson Township. The likelihood that those 5 properties would be able to carry the burden of that section of Crandall Drive is not very high. They cannot assess all property owners in the development. Mr. Whitman said the HOA could enter into an agreement that would involve a legal commitment over time. Mr. Kunkle said the Township Solicitor would need to look at such an agreement. If they failed to make payment, the Township would have limited options to recover those funds. One option for the HOA is to think about using their limited amount of capital to bring the section of Crandall Drive up to Township standards.

5. AUTHORIZING A GRANT APPLICATION FOR THE SECOND ROUND OF THE PA COMMUNITY TRANSPORTATION INITIATIVES (PCTI)

Mr. Kunkle said the Township was selected to receive funding for the extension of Old Gatesburg Road in the first round of this grant program. There is the potential to partner with State College Borough and Penn State University on a design study for the streetscape along W. College Avenue from N. Atherton Street to Blue Course Drive. This way there could be some uniformity to the streetscape along that entire section of roadway. At the same time, they need to consider the gateways into each of the communities described in the State College Area Land Plan. This must be submitted by September 15th and could be a zero matching funds from the PCTI grant program.

Mr. Pytel made a motion to authorize a grant application for the second round of the PA Community Transportation Initiatives. Mr. Keough seconded the motion. The motion passed unanimously.

VI. REPORTS

a. Manager

Interviews are being conducted to fill the position of Township Engineer. Selection of a qualified candidate is anticipated in the next week.

The Board should consider the staff recommendation on a process to resolve the sinkhole repair in the south basin and the organization of the Ferguson Westfield Homeowners Association. Mr. Kunkle said the meeting was to: 1) put forth a general understanding of why a notice of violation was sent to property owners relative to a failure that has occurred in the south stormwater detention basin; and to 2) encourage the property owners to begin the process of organization of the Ferguson Westfield HOA. Under the first issue, there has been a deficiency and failure in the south detention basin that includes a sinkhole. There is also some failure occurring near the outlet structure. The Township has an obligation to inspect those basins and ensure they are functioning correctly. Absent the fact that the property owners have no organized HOA, the Township had no alternative but to send notices of violation to all 40 property owners. There is a good understanding now of why that notice was sent.

The Township has encouraged the property owners to form their HOA so they can make the necessary repairs. Absent that action, the Township will have to complete the repairs and bill the property owners. The idea was that the property owners would reorganize and elect officers. The property owners have been impeded by the fact that they do not know the scope of the repairs. If the property owners organize into a formal, functioning HOA, the Township will engage the services of a qualified consultant to prepare a repair method and an estimated cost, and the Township will pay for that. If not, the Township will still need to have that consultant's report and have the professional service completed. He has suggested that the Board direct staff to obtain a proposal to complete a

report on the south basin sinkhole, repair and cost estimate. Mr. Kunkle described the proposed timetable in further detail.

Mr. Keough attended the HOA meeting along with Mr. Heinsohn. Staff did a great job of creating a forum and providing the opportunity to present the issues. The meeting went through three stages: 1) outline of the history; 2) opportunity for HOA representatives to express questions and concerns; and 3) interaction between homeowners. Mr. Miller made a motion to direct staff to obtain a proposal for the report. Mr. Pytel seconded the motion. The motion passed unanimously.

The Township's Fall Newsletter has been published and delivered to the newsletter mailing list, and is available on the web site.

b. Public Works Director

Whitehall Road Widening: Staff and the design consultant, Trans Associates, are meeting with affected utility companies on September 9th to review final utility design information. He anticipates holding a public open house for affected property owners in October. A notice will be mailed out 2 weeks in advance. Mr. Keough asked where the Township is with regard to the guy-wire poles in farm fields. Mr. Modricker said he will have an answer to that on September 9th.

Old Gatesburg Road Extension: Federal funding for this project was obligated August 30th and the project is expected to be put out to bid by PADOT on September 2nd.

Traffic Calming Policy: This item has been referred to the Planning Commission. The Planning Director and Public Works Director are discussing the current street classification system.

Residents of the Westfield Subdivision were invited to attend a meeting regarding stormwater maintenance on September 1st.

c. Director of Planning and Zoning

HMS BLUE COURSE MEDICAL BUILDING SPECIFIC IMPLEMENTATION PLAN: (informational) This proposal for a 45,900 square foot medical center is the first building on the Pine Hall site. The project involves both a subdivision of the lot from the Pine Hall landholdings and development of the property with the proposed building, parking, and stormwater management facilities.

FOXPOINTE PHASE 11 FINAL SUBDIVISION PLAN: (informational) S&A Homes proposes to subdivide a 3.6 acre lot along Saratoga Drive *within the Lexington Place Development* into six residential single family lots, leaving an existing stormwater basin on the remaining acreage.

GIANT FUEL ISLAND – FINAL LAND DEVELOPMENT PLAN: (informational) This project involves the construction of an eight pump fuel island and accessory structure within the Northland Center site. This portion of the shopping center's landholding is partially zoned GC and partially zoned OC. The plan includes realignment of the access road that currently separates this acreage from the existing parking lot.

d. COG Committee Reports

1. Transportation & Land Use – Mr. Pytel received a draft of the Centre County long-range transportation plan, as well as a report regarding air quality.

VII. MINUTES

Mr. Pytel made a motion to approve the August 16, 2010 BOS regular meeting minutes. Mr. Miller seconded the motion. The motion passed unanimously.

VIII. ADJOURNMENT

With no further business to come before the Board of Supervisors, Mr. Killian adjourned the September 7, 2010 Regular Meeting at 9:37 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 09/20/2010