

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting

Monday, September 20, 2010

7:00 pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, September 20, 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 and Zoning
	Steve Miller		David Modricker, Director of Public Works
	Bill Keough		Diane Conrad, Chief of Police
	George Pytel		

Others in attendance included: Marsha Buchanan, Recording Secretary; Dr. Jeff Heimer; Dr. Paul Suhey; Michael Pratt, Keller Engineering; Harry Marshall, Westfield Subdivision; Marc McMaster, Larry Hood; and Mark and Eileen Kline.

II. CALL TO ORDER

Mr. Killian, Chairman, called the September 20, 2010 meeting to order at 7:00 pm. He noted that the former Action Item #7 (Street Trees on Pine Hall Road) was removed from the agenda since it has been satisfactorily resolved.

III. COMMUNICATIONS TO THE BOARD

Mr. Heinsohn received communication from a resident who would like the Board to revisit the RA buffer amendment. A group of people plans to speak out against the amendment if given the opportunity when the ordinance is considered again.

IV. ACTION ITEMS

1. HMS BLUE COURSE MEDICAL BUILDING FINAL LAND DEVELOPMENT PLAN

This project involves the construction of a 49,500 square foot medical office building that will include different medical professions, as well as operating facilities and a wellness center. Construction of the building is intended to coincide with the construction of Old Gatesburg Road Extension. An exemption from the sewage planning module process has been filed with the Department of Environmental Protection to allow for sanitary sewer service connection to the building.

Ms. Lang provided an overview. No items are in question. Information just needs to be submitted. She showed the plan on the map.

Doctors Paul Suhey and Jeff Heimer provided details on the project. Dr. Suhey said Mount Nittany Medical Center will be part owner and part tenant of this building. He said they are excited about this project and the location of it. The project itself is unique. They had to push the building to a location that would provide safe access for their patients. They have patients from other towns. They are trying to recruit doctors well in advance.

Dr. Heimer said they want the building to be all medical and all outpatient. They are bringing mature, busy practices to the table. Mount Nittany Medical Center is involved. They are trying to build a multi-specialty building.

Mr. Heinsohn clarified that it will not be for overnight patients. Dr. Heimer said at this point they are planning for it to be outpatient. Dr. Suhey said they are hoping there may be a lab, and perhaps MRI's

could be done there in the future, as well as possibly dentistry. Dr. Suhey said the hospital would make those types of decisions.

Mr. Kunkle asked **Michael Pratt**, Keller Engineering, if he sees anything in the review that would not be able to be addressed. Mr. Pratt said most of them are overarching issues. This is the first phase. They will show compliance with a number of items on a phase by phase basis. There is a surety to be posted as well. Mr. Kunkle asked, as far as stormwater goes, whether Keller Engineering and Pennoni have resolved the calculations. Mr. Pratt said yes.

Mr. Keough asked for comments about the attempt to create a design that meets the multi-sided frontage issue. Mr. Pratt commented briefly. The lower parking field gives the public and the patients four sides of architecture. They are now at the town center. This will really be a foundation for the plan to create some life and vitality there. Ms. Lang wants to make sure that everyone is comfortable with this plan. This provides an employment base for people there. The parking in this case is a little larger for this building than they looked at in the ordinance, but this is one of 7 surface parking lots in the downtown area that will serve multiple users. She feels they meet the objectives of the TTD regulations.

Mr. Keough clarified that as they look at other businesses going into the downtown section of the TTD in relation to their parking ordinance, this lot will be figured into their needs to provide parking. Ms. Lang agreed, saying there is a quota of 3 spaces per 1,000 square feet.

Mr. Pytel made a motion to approve the HMS Blue Course Medical Building Final Land Development Plan, subject to completion of outstanding conditions as set forth in the Director of Planning and Zoning memorandum dated September 16, 2010. Mr. Heinsohn seconded the motion. The motion passed unanimously.

2. CHESTNUT STREET FINAL SUBDIVISION PLAN

This project involves the subdivision of one existing residential lot into three residential properties on West Chestnut Street. The property is zoned R-1 and located in Pine Grove Mills. The applicant's consultant has not been responsive to the reviews completed since submission of the plan in March 2010. The plan approval deadline is approaching (October 1st), and, absent a 90-day extension of time and steps being taken to address the comments identified in the review memorandum, the Planning Commission and staff is left with no option other than to recommend denial of the plan.

Mr. Heinsohn asked how long they would have to wait if they would want to submit the application again. Ms. Lang said there is a process that allows them to resubmit the project by addressing all of the remaining deficiencies within 45 days. If in 45 days they can address everything and resubmit the plan, no time will be lost and there will be no harm.

Mr. Pytel made a motion to deny approval of the Chestnut Street Subdivision Plan, plan last dated 2/25/2010 with a plan deadline of 10/01/2010, due to the deficiencies identified in the Director of Planning and Zoning memorandum dated September 15, 2010. Mr. Miller seconded the motion. The motion passed unanimously.

3. WESTFIELD STORMWATER BASIN SOUTH CONSULTANT ESTIMATE

At the Board's September 7th meeting, staff was authorized to obtain an estimate from a qualified consultant regarding the evaluation and repair cost for the Westfield South Stormwater Basin. Mr. Modricker provided information regarding the necessary actions in order to remediate the Westfield

Subdivision basin. The proposal that Converse Consultants submitted includes a scope of work that is based on a field view that Mr. Modricker and the hydrogeologist conducted. It involves two days of work for a contractor to mobilize to the site and complete a repair. Mr. Modricker stated what would be included in the cost of \$7,445.

They are waiting to hear back from the Westfield property owners as to how they plan to proceed. Mr. Killian said it was suggested that the Board table action as they wait for the HOA to act by October 15th. Mr. Kunkle said the property owners have scheduled a meeting on September 29th to discuss this matter. He has recommended that if the HOA is organized and enters into the contract with a contractor, the Township will pay for the consultant's fee for the determination on what the remediation should be..

Harry Marshall, Westfield Subdivision, asked whether the consultant would work with their contractor if the HOA hired their own contractor. Mr. Modricker explained the breakdown of costs. Mr. Marshall sought clarification. Mr. Kunkle said the consultant's estimate is based upon the contractor selected, utilizing the equipment that is available in this particular proposal. If the HOA wanted to hire a contractor, that is probably not what the consultant has in mind for getting this repaired in a timely manner. If they had a comparable contractor with comparable equipment and the job was done in a timely manner, then the costs should be similar. Mr. Marshall asked if there would be an additional charge to homeowners if they went with their own contractor. Mr. Modricker said his task was to get a proposal and the Township would pay the fee associated with getting a proposal. From that point on, whatever the costs are to remedy the sinkhole will fall on the HOA or on the Township (and they would then bill the HOA).

Mr. Marshall asked if they would have access to the report if they hired their own contractor. The Board agreed that they would.

The Board agreed to table this until a decision is reached by the Westfield Subdivision HOA.

Mr. Kunkle sought clarification from the Board regarding their feelings on what the Township will pay for. The Board agreed that they would pay for the report. Mr. Pytel clarified that if the HOA hires their own hydrogeologist the cost may be twice as much if it takes them twice as long to complete the work. Mr. Miller asked if the presence of the hydrogeologist will be required by the Township. Mr. Kunkle said no; they do not have to have someone on site if they are completing the work. Mr. Keough asked if they know what costs have been incurred to date. Mr. Modricker has not yet received an invoice. Mr. Keough clarified that if the Westfield Subdivision HOA chooses not to participate, then the Township will be adding the costs they have incurred in the preparation of this report to their total bill for distribution among all residents. Mr. Kunkle said he will email the report to Mr. Marshall to be distributed.

4. CDBG GRANT REQUEST ON BEHALF OF HABITAT FOR HUMANITY

Several years ago, Habitat for Humanity and Arman Sahakian, developer of Hillside Farm Estates, began discussions regarding subdivision of a tract of land between Meckley Drive and PA Route 26. Recent discussions between Habitat for Humanity and Daniel Sahakian, current developer of Hillside Farm Estates, has occurred to renew interest in developing this strip of land. The general plan would be to subdivide the parcel into four or five lots, and Habitat would then construct homes for qualified individuals. Habitat has requested that the Township consider sponsoring a request to the Centre

County Office of Planning and Community Development for a Community Development Block Grant (CDBG) to assist with the site improvements that would be part of the subdivision of the property. But Habitat is not a qualified applicant for CDBG funding, so the money would have to be administered through the Township.

Mr. Kunkle said this would be a pass-through of cash flowing through the Township. Mr. Pytel expressed concern that the Township could be creating a hardship by sponsoring this project and then a variance would need to be granted by the Zoning Hearing Board in the future. Mr. Kunkle said the lot itself creates some hardship. Ms. Lang said that is an existing, non-conforming situation that limits the potential for the lot. But something could certainly be placed there. Ms. Lang said the grant would pay for required improvements to the lot, regardless of how many units are on it. Those costs will not change. There is no relationship between those costs and the number of lots they desire to cut.

Mr. Heinsohn opposes this completely. He does not believe it is a wise use of taxpayer money in Ferguson Township. Mr. Heinsohn questions the basic notion of the need for affordable housing with the current economic conditions. He does not support this notion.

Mr. Keough said, while Habitat for Humanity builds homes that have strict guidelines, he does not lump them into the general affordable housing push that exists. They have very specific guidelines and are very successful. Mr. Pytel is opposing this not because of the nature of Habitat for Humanity, but because he does not believe that piece of land is a good place for young families with children.

Mr. Miller made a motion to sponsor a CDBG grant that would provide site improvements for a subdivision plan of a tract of land between Meckley Drive and PA Route 26, for the benefit of Habitat for Humanity. Mr. Keough seconded the motion. With Mr. Pytel and Mr. Heinsohn voting no, and all other Board members voting yes, the motion passed.

5. CERTIFICATION OF 2011 PENSION MUNICIPAL MINIMUM OBLIGATION

Pursuant to Act 205, the Chief Administrative Officer of the Pension Plans must certify to the governing body the minimum municipal funding obligation for the upcoming year. Total pension plan obligation is \$367,587; of that amount the Township is anticipating receiving \$232,909, leaving a municipal contribution of \$134,678. Of that total municipal contribution, \$92,195 will be payable to the Police Pension Fund, while \$42,480 will be payable to the Non-Uniform Pension Fund. On October 1st, the Township anticipates receiving its Act 205 disbursement. Once received, Mr. Kunkle will re-certify to the Board the 2011 MMO based on actual 205 state funding.

Mr. Kunkle provided details for the Board. No action was required.

6. APPOINTMENT OF MARC MCMASTER TO THE PLANNING COMMISSION

Mr. Pytel made a motion to appoint Mr. Marc McMaster to the Township Planning Commission for the unexpired term of Al Gehn through December 31, 2010. Mr. Heinsohn seconded the motion. The motion passed unanimously.

Mr. Keough said if they are truly going to try to gain interest from the whole Township it might be helpful to hold an annual meeting with all HOA's to coordinate and communicate these kinds of things. It would add to the encouragement and support of the openings in their various ABC groups. As it stands now, there is little communication between the Township and HOA's. He suggested interacting with some of the area HOA's, apart from their annual Open House.

7. AUGUST 2010 VOUCHER REPORT

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

8. CONSENT AGENDA

a. August 2010 Treasurer's Report

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

V. REPORTS

a. Manager

- Earlier this year he reported on a request by the U.S. Department of Justice Drug Enforcement Administration to construct a memorial to Michael E. Weston, Special Agent. A site has been chosen at the Greenbriar/Saybrook Park and Ameron Construction has been chosen as the contractor. The memorial should be completed by mid-October and a dedication ceremony scheduled shortly thereafter.
- Staff has been contacted by IAS Consulting Services regarding acquisition of right of way from the Township for the widening of Whitehall Road. Dave Modricker and Mr. Kunkle have discussed the right of way needed for the widening and the concerns they have with regard to drainage and conveyance along the front of the Township Building. Approval of any right of way conveyance will require Board approval.

b. Public Works Director

Whitehall Road Widening: Staff, as well as Mr. Keough and Mr. Miller, met with the design consultant and affected utility companies on September 9th to review final utility design information. A public open house for this project is scheduled for October 5, 2010.

Old Gatesburg Road Extension: This project is out to bid by PADOT. Bids will be opened on September 30, 2010.

Traffic Calming Policy: Sergeant Glenny and Mr. Modricker attended a traffic calming workshop on September 10th. A draft policy was referred to the Planning Commission by the Board of Supervisors for review and comment.

Westfield Homeowner's Association South Detention Basin: Mr. Modricker met with Mark Ralston, hydrogeologist with Converse Consultants, and expects a proposal from him regarding repair recommendations and a preliminary cost estimate. He is awaiting direction from Mr. Kunkle and the Board regarding further action.

Crandall Drive: As requested by the Board, Mr. Modricker sent a letter to the Homestead Farms Homeowner's Association, including a scope of work necessary to bring the road and stormwater system up to Township standards prior to the Township possibly accepting this section of roadway.

c. Director of Planning and Zoning

Since the last Board meeting, staff has finalized the application for PCTI funding of the West College Avenue streetscape design and has reviewed the recently produced Draft of the Centre Region Growth Management Report. Mr. Keough requested comments regarding this report. Ms. Lang will take care of that.

d. Chief of Police

There are no significant crime changes from this time last year. Part 1 and Part 2 crimes are still lower overall, but other service calls are up a bit. Citation activity is up a bit, parking tickets are down.

Chief Conrad summarized Patrol Notes, including an increase in wire thefts and an increase in DUI drivers with a substance of prescription drugs.

Mr. Heinsohn inquired about Robo Calls.

e. COG Committee Reports

1. *Public Safety* – Mr. Keough said he, Mr. Kunkle, and Chief Conrad attended this meeting. It was devoted to communications with utility providers. Mr. Kunkle said the purpose of the meeting was to enhance the coordination between the utilities and the first responders, especially with regard to traffic control.
2. *Transportation & Land Use* – Mr. Pytel said the N. Atherton Street signal coordination project (buses, ambulances, etc.) will have the equipment to operate those lights. There is a request that they go through the Public Safety Committee. Also, they discussed the service transportation board environmental impact statement for the railroad. They agreed to send a letter expressing all of the facts. Mr. Pytel provided a summary of prior actions.
3. *Finance* – Mr. Killian said they start their budget process on September 21st. Mr. Pytel said they were looking into hiring a higher-up COG employee who can do inspections, etc. Mr. Kunkle said the first draft of the COG budget indicates that Ferguson Township's COG contribution is up 16.5%.

VI. MINUTES

Mr. Pytel made a motion to approve the September 7, 2010 BOS Regular Meeting minutes. Mr. Miler seconded the motion. The motion passed unanimously.

VII. ADJOURNMENT

With no further business to come before the Board of Supervisors, Mr. Killian adjourned the September 20, 2010 Regular Meeting at 8:34 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 10/04/2010

