

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, October 18, 2010
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, October 18, 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; Marc McMaster, Planning Commission; Tony Fruchtl, Penn Terra Engineering; Ansusan Brewer, 1742 James Ave; Lisa Campbell and Roy Campbell; Dr. Fred Cannon; Jeff Stang, property owner next to Spruce St; Roger Ford, 2301 Oakwood Circle; Bill Hechinger and Pam Steckler, 127 Hoy St; Wesley Glebe and Christine Bailey, 115 N. Butz St; John Simbeck, 117 Delaware Rd, PA Furnace; Rhonda Stern, 119 N. Butz St; Tracey Olexa; Randolph Parker; Joe Beddall; Thomas Arbutiski; and Bob Elliott.

II. CALL TO ORDER

Mr. Killian, Chairman, called the October 18, 2010 meeting to order at 7:00 pm. He said the Board held an Executive Session prior to their regular meeting to discuss a potential land acquisition.

III. PUBLIC HEARINGS – ORDINANCES

1. A PUBLIC HEARING ON AN ORDINANCE AUTHORIZING THE CONVEYANCE TO THE COMMONWEALTH OF PENNSYLVANIA OF A PERMANENT RIGHT OF WAY REQUIRED FOR THE WHITEHALL ROAD WIDENING PROJECT BEING COMPLETED BY THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

As part of the seven-lot Whitehall Road Subdivision Plan completed by Penn State University, a portion of the property was offered as a Deed of Easement for widening Whitehall Road. As PADOT completed design and right of way, the need to convey this right of way to PADOT became apparent.

Mr. Kunkle said the Township requested that the Solicitor prepare the necessary ordinance to convey the right of way to the PADOT.

Mr. Pytel made a motion to approve Ordinance 941, authorizing the conveyance to the Commonwealth of Pennsylvania of a permanent right of way required for the Whitehall Road Widening Project being completed by PADOT. Mr. Heinsohn seconded the motion. With Mr. Heinsohn, Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

IV. PUBLIC HEARINGS – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION AMENDING THE 2010 RULES AND REGULATIONS AND ADOPTING 2011 RULES AND REGULATIONS FOR TAX ON EARNED INCOME AND NET PROFITS BY ADOPTING, MODIFYING, AND SUPERCEDING THE 2010 RULES AND REGULATIONS FOR TAX ON EARNED INCOME AND NET PROFITS

At the October 4th Board meeting, staff presented the proposed 2011 Rules and Regulations for Tax on Earned Income and Net Profits. No further changes have been proposed to the 2010 Rules and

Ferguson Township Board of Supervisors

October 18, 2010

Page 2

Regulations by any of the governing bodies, and therefore each is being asked to adopt a uniform set of Rules and Regulations that will be applicable to all earned income and net profits taxpayers in the State College Area School District.

Mr. Pytel made a motion to adopt Resolution 2010-27, approving the 2011 Rules and Regulations for Tax on Earned Income and Net Profits. Mr. Heinsohn seconded the motion. With Mr. Heinsohn, Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

2. A PUBLIC HEARING ON A RESOLUTION APPROVING THE CONTRACT FOR THE CONSTRUCTION OF OLD GATESBURG ROAD EXTENSION AND AUTHORIZING THE EXECUTION OF THE CONTRACT DOCUMENTS THROUGH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION CONTRACT MANAGEMENT SYSTEM

At the October 4th Board meeting, staff reported on the bidding results for the Old Gatesburg Road Extension. It is anticipated that Dave Modricker and Township Solicitor, Lewis Steinberg, will access the PADOT Contract Management System via the Internet to complete the necessary online documentation. Upon receipt of that information, PADOT will execute the final contract documents and issue a Notice to Proceed, effective November 15, 2010.

Mr. Pytel made a motion to adopt Resolution 2010-28, approving the contract for the construction of Old Gatesburg Road Extension and authorizing the execution of the contract documents through the Pennsylvania Department of Transportation Contract Management System. Mr. Heinsohn seconded the motion. With Mr. Heinsohn, Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

Mr. Kunkle said this portion of this project is being paid for by Pine Hall Development. They have placed a surety, a portion of their equity account with Charles Schwab, in the amount of approximately \$714,000. The Solicitor has reviewed an agreement for surety and has requested that a motion be made that will allow the Township to access the account if necessary in case of default.

Mr. Pytel made a motion to authorize the Chairman and Secretary to execute a pledged asset account agreement by and among Ferguson Township, John Imbt, and Charles Schwab, Inc. and to act in the capacity of an authorized officer of the lender, Ferguson Township. Mr. Keough seconded the motion. The motion passed unanimously.

V. PUBLIC HEARINGS

1. A PUBLIC HEARING ON A CONDITIONAL USE TO CREATE TWO FLAG LOTS FOR RESIDENTIAL USE IN FOXPOINTE PHASE 11

This subdivision plan involves the subdivision of six new residential lots and reconfiguration of the remaining parcel that contains the existing stormwater infrastructure for the Lexington Place development, as well as Foxpointe Phases 9 and 11. The subdivision proposes the creation of two

flag lots shown on the subdivision plan as Lots 1 and 2. The zoning ordinance provides for the creation of flag lots as a conditional use, subject to public hearing and approval by the Board, in addition to the copy of the subdivision plan. The Planning Commission recommends approval of the conditional use to create these flag lots. Staff also believes the flag lot proposal is consistent with the provisions of the ordinance.

Mr. Pytel made a motion to grant a conditional use to create two flag lots in the Foxpointe Phase 11 subdivision. Mr. Heinsohn seconded the motion. The motion passed unanimously.

2. A PUBLIC HEARING ON AN AMENDMENT TO THE STONEBRIDGE PLANNED RESIDENTIAL DEVELOPMENT MASTER PLAN ON A PROPOSAL TO SUBDIVIDE THE PREVIOUSLY APPROVED PHASE 5 OF THE PROJECT INTO TWO LOTS

The Section 5 Final Subdivision Plan depicts a subdivision of a 9.5-acre parcel, leaving two lots, one approximate 4-acre parcel with developed recreational facilities in the Stonebridge Community and a second 5.5-acre lot that is proposed for future development. The Stonebridge PRD Master Plan was originally approved in 1987 and was revised in 1991. Phase 5 of the Stonebridge PRD Plan provided for development of 128 multi-family dwelling units, which were always intended to be constructed on the eastern portion of the lot. The subdivision of Phase 5 allows for the creation of a boundary line and conveyance of the recreational facilities to the Stonebridge Homeowners' Association with the remaining 5.5-acre lot available to accommodate the future development of the multi-family dwelling units. Since this is a change from the approved master plan, a public hearing is required to obtain comments from the public. The Planning Commission recommends approval to the Board.

Ms. Lang said this revised master plan was approved in December 2009, when a portion of the Stonebridge PRD was transferred to the Landings and incorporated as part of that PRD. The proposal is simply for the subdivision of the property; no development will take place at this point.

Ansusan Brewer, 1742 James Avenue, Stonebridge, asked for clarification as to the two pieces of property in Stonebridge. She wants to make sure that the developer is responsible for completing the sidewalk. Ms. Lang said they have discussed this with the applicant. They have identified the need to finish the sidewalk in front of Lots 1 and 2. That responsibility will be the developer's.

Tony Fruchtl, Penn Terra Engineering, said the immediate responsibility is for the developer to post the surety for that sidewalk. Johnson Farm Associates must post surety for the sidewalk in order for the subdivision to take place. The sections in front of the recreation area will be installed within the next year. It will be up to the Township to decide when the rest of the sidewalk needs to be installed. Ms. Lang said they could request an extension on the sidewalk in front of the recreation area, but the Township recognizes that this has been outstanding for quite some time.

Mr. Pytel made a motion to approve the amendment to the Stonebridge PRD Master Plan, allowing for subdivision of Phase 5 of the approved Master Plan. Mr. Miller seconded the motion. The motion passed unanimously.

VI. COMMUNICATIONS TO THE BOARD

Mr. Heinsohn spoke with Roger Ford regarding the stormwater drainage area on the Campbell Farm. He directed him to speak with Mr. Modricker. He also reported that he met with the Campbells and Dr. Fred Cannon, and they will be making a presentation at tonight's October 18th meeting.

Mr. Keough said he and Mr. Pytel attended a workshop, which they will report on at their next meeting.

VII. ACTION ITEMS

1. WEST WHITEHALL ROAD WIDENING STORMWATER MANAGEMENT PLAN

This was placed on the agenda at the request of Roger Ford, 2301 Oakwood Circle, Corl Acres, who expressed concerns with regard to the stormwater design to convey water along Whitehall Road and beyond the Corl Acres subdivision. In an email, Mr. Ford was invited to review the stormwater management plans in detail with Township staff, so that he has a better understanding of the proposed collection and conveyance system, as well as the design to control peak flow runoff from the project area. Mr. Ford met with Dave Modricker on October 13th for a thorough review of the stormwater management plans.

Lisa Campbell said she and her husband own two farms that are affected by the road widening project. She requested that the Board schedule a worksession outside of the regular meeting format. She introduced Dr. Fred Cannon, a Civil and Environmental Engineer from Penn State University.

Doctor Fred Cannon made a presentation entitled "Campbell Farm Property Preservation Opportunity, while widening Whitehall Road along Corl Acres." The proposed widening project (Opportunity B) proposes rerouting the drainage from Corl Acres and installing a fairly large basin on the Campbell property for a 100-year floodplain. But the Campbells propose allowing the drainage to continue through Corl Acres and to create a berm, which will catch the 100-year flood, but will allow the farm to stay in production for the other 99 years (Opportunity A). As currently proposed by the Township, some of the Campbells' land will be lost. Dr. Cannon clarified the differences in their alternate proposal. All technical issues would still be complied with.

Summary: 1) Opportunity A costs 5-20% less than Lost Opportunity B; 2) In "A" .35 acres of land is taken out of production rather than 1.5 acres; 3) In "A" there is a flood easement for 1.3 acres, to be within the designated 100-year floodplain; and 4) "A" better mitigates flooding issues in Corl Acres.

Dr. Cannon presented this information on behalf of the Campbells because he experienced a similar issue on his own property in the past. He stated a recommended motion: appraise and adopt a drainage plan that keeps all Campbell Farm in production, except temporarily during the largest storm event; use berm on east side of Campbell property to throttle 100-year flood with minimal easement area; and Corl Acre drainage conveyed through Corl Acres.

Mr. Heinsohn asked about the drainage down Fir Drive. Dr. Cannon e pointed out that the streets in Corl Acres are not Township streets. He believed this solution makes it a bit easier for everyone involved. As far as costs go, he believed there would be no easement to be conveyed with their alternate recommendation.

Mr. Pytel said this pond is required because of the widening of the road, but Dr. Cannon did not present information regarding water that will exist as a result of the widening of the road. Dr. Cannon said the rationale behind this pond is to figure out how much more water will fall on the street and not sink into the ground when the street is widened. After that number is established, they would make a pond that is that size adequately or slightly larger, then determine how to get water to the pond. He explained two different options.

Mr. Modricker said he met with Dr. Cannon and the Campbells. He met with Mr. Kunkle and Mr. Keough on October 18th and spoke to Trans Associates. He found the idea of creating a detention basin that could be farmed interesting. As presented, he believes this option of creating a berm instead of building a basin in this location has merit and is worth considering. However, he feels it could be problematic to bring the drainage through Corl Acres in this manner behind some homes to this existing drainage way, ultimately to a tributary to Slab Cabin Run.

In the design proposed by the Township's consultant, there are a number of watersheds. The culvert under Spruce Street was the point where they analyzed the watershed. They tried to balance the water at that point both before and after the widening of the road. Under this scenario, it would have to be reanalyzed at a point farther down the channel, which poses some difficulty. The idea of the easement on the farmland is a possibility, though it is not something they have done before. The Township would have to understand how that easement would be purchased or donated. The Campbells would need to know that there could at times be crop damage due to ponding water. Some design issues they were following caused them to put water into a pipe system along Whitehall Road. Mr. Modricker explained in detail. In short, this is an alternative. The presentation would ultimately need to be turned into an in-depth analysis. Trans Associates would need to be engaged to complete this report.

Dr. Cannon explained using the map why a new report would not need to be created. Mr. Modricker disagreed and said it comes down to the details of the analysis and whether that is an effort the Township's decides to undertake.

Mr. Keough said, if they were not to use the existing drainage way and if all water were moved to the proposed area, they could accommodate the water by DEP standards with the berm concept, which could allow them to continue to use this land for agricultural purposes. Dr. Cannon explained the problem he sees with this. Mr. Keough said water is not currently ponding at that location with the current drainage..

Mr. Pytel said the issue of the pond is not the drainage coming from Corl Acres. The problem they are looking at is how they will accept the additional runoff that will come from the widening of the road. Dr. Cannon explained that the upstream water would be overdetained while allowing for the additional water from the road widening to flow through the proposed stormwater pipe down Fir Drive. This would balance total runoff for pre and post widening.

Mr. Heinsohn asked about the additional pavement being used for should widening along Whitehall Road. Mr. Modricker said they would be going from 18-20' to 28', which would be 8' of additional widening. He said the plan that the design engineer laid out accounts for that additional water and handles it in a traditional detention basin. It makes some provisions for volume and infiltration trenches. Along the section of roadway where the pipe is installed, there is also infiltration where possible.

Mr. Miller said his concern with the berm concept is that the 100-year flood designation does not mean it occurs once every 100 years. There will be times when there will be more water than shown

on the proposed alternate plan. If nothing happens in most years but 10 acres are taken out with one big storm, that is a concern. Dr. Cannon said this can be addressed by the way the water is throttled and the size of the pipe.

Mr. Keough said the berm will hold quite a bit of water back. Dr. Cannon said if there is a lot of rain, they will not be plowing it at that particular time. Mr. Modricker believes the idea of the berm and the farmable pond is possibly something to pursue, but he expressed concern about taking most of Whitehall Road and making it a point discharge somewhere else downstream without managing it. It would probably benefit the Campbells in that area, but may be to the detriment of someone else downstream. Also, the permitting requirements for this section of road could be problematic. He explained in further detail.

Ferguson Township Board of Supervisors

October 18, 2010

Page 6

Dr. Cannon explained the proposed flow of water. Mr. Killian inquired about the flow according to the current design, and asked whether it would still need to be developed with the alternate berm proposal. Mr. Modricker said he had suggested consideration without it.

Mr. Kunkle asked where the 8' of widening is detained. Dr. Cannon said it is not currently detained. Mr. Kunkle said all necessary water for the widening would go into the detention basin. Dr. Cannon said all the water from the entire area bypasses the storm drainage pond and goes into someone's back yard. By the time the point of interest is reached, the amount of water is the same.

Mr. Modricker said typically they would detain water from their road project and handle it. This alternate proposal is looking at a wider view farther downstream. It is letting most of the water from this project go un-detained and is detaining water from an upstream drainage area that is not part of the road project, so that by the time the point of interest is reached farther downstream, the amount of water is balanced. But they need to know they are safely conveying the water.

Mr. Keough asked Mr. Modricker if the Board should consider having a formal evaluation of this concept completed to see if it could work in place of the detention pond. Mr. Miller asked Mr. Modricker if the cost would be equivalent. Mr. Modricker said there would be a cost for the proposed basin that would possibly be offset by some additional necessary detention area. If that additional area is not needed, then there would be a cost savings. In terms of the piping, if they would eliminate piping on Whitehall Road and put it through Corl Acres, they would have the issue of that length of piping, as well as road restoration. His initial reaction was that the alternative would cost more, but Dr. Cannon has presented information showing that his alternate proposal would actually cost less.

Mr. Miller asked about putting in a swale. Mr. Modricker explained. Dr. Cannon said they need to consider the permanent circumstance.

Mr. Pytel asked about the water running through the bottom of Corl Acres. Mr. Modricker said it is going through a wooded/grassy area. Mr. Pytel said if there is no infiltration, then the same water will come out of the pipe as the water going into the pipe.

Mr. Heinsohn explained that water tends to flood homes on either side of Spruce Street, but this alternate proposal helps to keep water out of those homes.

Mr. Killian asked Mr. Modricker if the berm could potentially replace the basin with all things equal. Mr. Modricker said yes. The berm concept allows farming, but there is the potential that at times there

would be flooding, crop damage, or erosion. Mr. Pytel asked who would be responsible for the crop damage if the berm was installed. Mr. Keough said there would need to be an easement with the Campbells, which would address the issues of crop damage, etc.

Jeff Stang, property owner right next to Spruce Street, said the 36' pipe comes through his back yard. The drainage area is filling up with sediment. He requested that the Township makes sure the drainage area is maintained in the future, so that his property is not negatively affected. Mr. Keough asked if most of the water going through that pipe is generated in Corl Acres. In the least, Mr. Modricker said the Township would analyze the capacity to make sure it is safely conveying the flow by increasing the pipe size to 36'. Mr. Stang suggested they analyze that the whole way through Corl Acres.

Ferguson Township Board of Supervisors

October 18, 2010

Page 7

Howe McCullough, property owner next to Jeff Stang, cautioned the Board that there is a large sinkhole behind his property. There are other sinkholes existing as well.

Roger Ford, 2301 Oakwood Circle, said he approves of the alternate plan presented by Dr. Cannon. He said the swale he visited was not maintained. Also, he suggested a neighbor talk to Mr. Modricker regarding a sinkhole.

Mr. Keough asked if there is enough value in the alternate proposal to look at the calculations and consider the tradeoffs. Mr. Modricker said that is the only way for the Board to get an answer.

Mr. Keough asked if they should be concerned about active sinkhole activity throughout this area. Mr. Modricker said they are asked to look at sinkholes every week. They must act on those that are their responsibility. In this case, they did testing everywhere they were considering doing infiltration or building stormwater basins. Outside this area, they did not consider sinkholes. Under any scenario, if a watercourse is going to travel over a sinkhole, it should be considered. Currently that scenario does not exist.

Mr. Killian clarified the scope of the motion. Mr. Modricker said this would be a revision to the NPDES permit that was already submitted. There may be additional surveying necessary and there may be additional properties that would involve the Township in terms of right of way. There would be an impact to the schedule.

Mr. Keough said, if this concept was shown to be feasible, the Board will at some point have a choice to make between the detention basin and the berm.

Mr. Pytel said right now they are fighting the time schedule and they have a project to continue next year. If the alternate proposal is not according to regulations, they will need to retain the water in some way. Mr. Modricker said they need to meet the requirements for an NPDES permit. Mr. Pytel asked how long it would take to get the poles moved. Mr. Modricker said it is a 3-6 month process. The current plan design could be continued as this analysis is being completed. The critical path is that they should have their NPDES permits before going to construction. Mr. Miller asked if the NPDES permit can be modified during the construction process. Mr. Modricker said good practice would be to have the permits in hand before beginning construction. Mr. Killian asked about the timeframe for the alternate proposal study to be completed. Mr. Modricker said it should take less than a month and the cost would probably be in the range of \$5,000-10,000.

Mr. Pytel said property owners impacted by the alternate pipe proposed would need to be given the chance to express their concerns as well. Mr. Killian asked, besides trying to minimize impact to the Campbell property, whether the study would provide other useful information. Mr. Modricker said yes. Mr. Keough said this project will be moving through a review at the state level. They will be asking what alternatives the Township has considered.

Mr. Heinsohn suggested that the study include the design of the proposed berm. Mr. Kunkle said this study will not include design, but merely the capability of this alternative.

Mr. Miller made a motion to pay the consultant to evaluate this alternate proposal compared to the current proposal. The consultant should review the berm concept as opposed to the detention basin. Mr. Heinsohn seconded the motion. With Mr. Pytel voting no, and all other Board members voting yes, the motion passed.

Mr. Modricker will have Trans Associates do a cost analysis as part of the scope.

2. WESTFIELD SUBDIVISION STORMWATER DETENTION BASIN STATUS REPORT

At the September 7th Board meeting, Mr. Kunkle reviewed a timetable for action on the Westfield South Stormwater Detention Basin. At that time, the Board directed staff to obtain a proposal from a consulting firm to complete a report on the South Basin sinkhole repair and cost estimate, which they did. The timetable established an October 15th deadline for the Westfield property owners to organize and obtain contractor quotes to complete the repairs. The results of a vote held on September 29th by the Westfield HOA were a clear indication that the property owners desire to have the Township complete the necessary repairs and invoice the property owners for their prorated share of those costs. At this point, staff believes the Township has fulfilled its obligation to offer an alternative solution to the property owners and the Township should now proceed with completing the repairs and distributing the costs to the affected property owners.

Mr. Pytel asked about billing the property owners of the HOA. Mr. Kunkle said all lots are developed at this time. There are 40 property owners. Lot 41 is an undeveloped, restricted lot and is considered open space.

Mr. Heinsohn made a motion to direct staff to engage the consultant and contractor to complete the necessary repairs to the Westfield Subdivision South Stormwater Detention Basin. Mr. Pytel seconded the motion. The motion passed unanimously.

3. SAYBROOK SUBDIVISION PLAN RE-PLOT OF LOTS 77 AND 80

Ms. Lang said the project proposes to convey an area of .26 acres from the rear of Lot 77 to the rear of Lot 80. Lot 80 is already developed. Lot 77 will be developed at some point in the future. The Planning Commission recommends that the Board conditionally approve this project.

Mr. Pytel made a motion to approve the Saybrook Subdivision Re-plot of Lots 77 and 80, subject to the completion of the outstanding conditions as set forth in the Director of Planning and Zoning memorandum dated October 13, 2010. Mr. Heinsohn seconded the motion. The motion passed unanimously.

4. STONEBRIDGE PRD SUBDIVISION OF LOT FOR PHASE 5

This plan will create a new lot for Phase 5 of the Stonebridge PRD. No development is proposed at this time; however, the configuration of the proposed lot differs from that which was approved for the recently revised Master Plan. This subdivision will create two lots from a 9.5-acre lot by dividing the parcel. One lot will contain 4 acres; the other will contain 5.5 acres. The Planning Commission recommends that the Board conditionally approve this project.

Mr. Kunkle said there is a drainage easement that runs right along the property line. Mr. Fruchtl said the easement actually continues all the way to Bristol Avenue. It is an existing easement.

Mr. Keough made a motion to approve the Stonebridge PRD Subdivision of Lot for Phase 5, subject to the completion of the outstanding conditions as set forth in the Director of Planning and Zoning memorandum dated October 12, 2010. Mr. Heinsohn seconded the motion. The motion passed unanimously.

5. FOXPOINTE PRD NEW PHASE 11 SUBDIVISION PLAN

This project involves the subdivision of six new residential lots and the reconfiguration of the remaining parcel that contains the existing stormwater infrastructure for the Lexington Place Development, as well as Foxpointe Phases 9 and 11.

Ms. Lang said there are very few comments remaining. This is part of what used to be the Lexington Place Development. That plan was approved with a dedication of open space that accommodated 60 dwelling units. This plan puts them over that number, so the developer will be paying a fee in lieu for 3 additional lots. The Planning Commission recommends that the Board conditionally approve this project.

Mr. Miller made a motion to approve the Foxpointe PRD new Phase 11 Subdivision Plan, subject to the completion of the outstanding conditions as set forth in the Director of Planning and Zoning memorandum dated October 12, 2010. Mr. Heinsohn seconded the motion. The motion passed unanimously.

6. TERRACED STREETSCAPE ALTERNATE PROPOSAL

On September 14th, the Board held a worksession on the proposed TSS zoning district regulations, where Pam Steckler introduced an alternative proposal entitled "Traditional Mixed Neighborhood District." Ms. Steckler has requested time to present this concept for the Board's consideration.

Pam Steckler, 127 Hoy Street, said she has lived on Hoy Street for 30 years with Bill Hechinger. Their house is less than one block from W. College Avenue. They want to protect their neighborhood and have formed a coalition. They feel that the proposed high density TSS district will endanger the health and well being of their neighborhood and community.

The alternate plan presented by Ms. Steckler is entitled the "Traditional Mixed Neighborhood District." The plan will call for much lower building heights. Cohesiveness in this corridor would add to the ambience and success of the area. Their intention is to build upon what already exists – a walkable,

bikeable, human-scale neighborhood. The idea is to complement the existing neighborhood, rather than negatively impact it. They feel this proposal will be far more appropriate than the proposed TSS district. They want to see zoning change truly enhance the area as a gateway into Ferguson Township.

She requested that the Township scale back the urban density idea to allow their neighborhood to co-exist with a vibrant, small town inviting, mixed-use revitalized area. They would like to be a part of healthy growth for Ferguson Township. They are major stakeholders; this is their home.

Ms. Steckler presented a detailed proposal, including the following subject areas: Intents, Building Heights, Setbacks, Permitted Uses, Building Occupancy, Lot Coverage, and Parking. She explained her view of what the procedure for creating this alternate zoning district should look like, as follows: Care shall be taken to provide the utmost consideration for adjacent properties and structures both when planning and executing a building plan. Preservation of natural features, scenic views, and mature trees, as well as visual impact on adjacent properties, should be addressed as part of the fabric of the neighborhood. See attached for complete proposal.

The Board commented on each section of Ms. Steckler's proposed ordinance, as follows:

Intents: Mr. Killian said the intents are to set the stage for the ordinance, but are not regulatory. Mr. Keough said some are similar but worded differently to the current proposed ordinance. He personally sees human scale as an area that is within 10-15' of his height. He does not often look up. He is concerned about businesses not being open on evenings/weekends. His tendency is to think that if they have space and are providing commercial activity, then the extent to which they can share some of that space via parking, sidewalks, etc. at hours other than daytime hours, is a good thing. It allows for business owners to expand their opportunities for income.

Building Heights: Mr. Killian said the Board has expressed their opinion in the past. Mr. Miller commented on why he supports the higher building heights. He provided an example, including calculations. By going taller, they could provide the density that justifies building parking structures, which are far more expensive than parking lots. Ms. Steckler said they do not believe anyone will build a standalone parking structure at all. Mr. Miller said the parking structure would not need to be very tall. He believes that providing onsite the amount of required parking with a shorter building is not feasible. Ms. Steckler provided the example of a study completed in 2008 to support her point. Mr. Killian said one model they have is based upon what has and has not been built in the current zoning. Mr. Heinsohn said what Ms. Steckler has proposed is economically infeasible if they want to attract investors. **Bill Hechinger**, 127 Hoy Street, said if they could put one fourth parking in a building, that will generally take care of two floors of medium-sized apartments in that building. He agreed that parking is a dilemma.

Mr. Killian said Ms. Steckler is proposing green incentives for building height. Ms. Lang pointed out the building height incentives in the proposed ordinance. Ms. Steckler said they are proposing a different approach of listing several incentives and allowing developers to choose from them. *Mr. Killian said the Board has not completely discussed this issue, so they will include this in further discussion.*

One citizen said the Township lists 55' maximum building heights, incentivizing up to 75'. She asked if they could have a lower maximum height, incentivizing up to 55', and still achieve the goal of having a green building. Ms. Lang said the goal was not to achieve a green building; it was to provide a return for getting the higher building and higher density. *Mr. Killian said the Board has not completely discussed this issue, so they will include this in further discussion.*

Setbacks: *Mr. Miller said the Board has not completely discussed this issue, so they will include this in further discussion.*

Three Lanes on College Avenue: The Board has never really proposed street parking on College Avenue. Mr. Miller said it was in the Design Guidelines, but was removed because of the requirement to work with PADOT on it. This is a separate project from the proposed TS district, so nothing in this document affects that. Ms. Steckler said the Design Guidelines show 2 – 11' cart ways and 2 – 7' parking lanes. Mr. Killian said that has since been removed. Mr. Miller said they have removed everything regarding street width from the Design Guidelines since that cannot be controlled/addressed through zoning.

Smaller Businesses Like Cafes: Mr. Killian asked for clarification. Ms. Steckler said restaurants and diners are currently too large for a lot of that size, so she proposed cafes. Ms. Lang said the purpose of increasing the type and variety of uses as the lot size increases is to encourage consolidation so that they do not get sparse, small-scale development. The intent is specific in providing a minimal amount of development at the smaller size. Ms. Steckler said they feel that encouraging consolidation disallows smaller developers/lot owners to do any developing at all. Mr. Keough said, looking at the economic scale of having a small café on a lot, it does not compute. Ms. Steckler disagreed. Mr. Killian asked about an office use. Ms. Lang said a business or professional office is permitted as a

standalone use. Ms. Steckler added that an office can only be a conversion of a single family dwelling on a .39 acre lot. Ms. Lang agreed.

Mr. Killian said the question is what the appropriate lot size is for certain types of businesses. Ms. Lang said there is no office building that could be built with the suggested amount of parking on a .39-acre parcel.

Mr. Miller does not see a need to change or add anything to the current proposed TSS district.

Building Occupancy: *Mr. Killian said the Board has not completely discussed this issue, so they will include this in further discussion.* Mr. Keough asked where ideas like air handlers fit into an ordinance. Ms. Lang said that could be a Code issue or it could be a nuisance issue with regard to noise complaints. If they are going to enforce it in the district, it would have to be district-wide. Ms. Steckler said they are talking about wall units, which are very noisy.

Lot Coverage: *Mr. Killian said the Board has not completely discussed this issue, so they will include this in further discussion.*

Parking: *Mr. Killian said the Board has not completely discussed this issue, so they will include this in further discussion.*

Mr. Killian suggested postponing further discussion of this until their next meeting. Mr. Keough suggested focusing on this topic as part of a worksession. *The Board's consensus was to continue discussion at the next regular meeting.*

7. AWARD OF CONTRACT 2010-C16 TREE TRIMMING

Mr. Modricker said bids were opened for street tree trimming on October 12th. The amount budgeted in 2010 to contract with an arborist to trim and maintain street trees was \$22,000.

Mr. Pytel made a motion to award the tree trimming contract to the lowest responsible bidder(s) as indicated in the memorandum from the Public Works Director. Mr. Heinsohn seconded the motion. The motion passed unanimously.

8. CONSENT AGENDA

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

VIII. REPORTS

a. Manager

- Staff has completed a Request for Proposals process to select an insurance broker for placing the 2011 liability and workers compensation insurance. The Township has not had a broker of record for approximately 8 years while participating in the PennPRIME Insurance Trust. This participation has eliminated the need for a broker. With the soft insurance market continuing, staff believes it would be prudent to complete a competitive quote on its insurance coverages. The Hartman Group will be working with staff to complete this process for 2011.
- Staff has also completed a Request for Proposals for banking services. They are in the review process now and anticipate a recommendation on this process for the Board's re-organization meeting in January.
- Notices requesting a hearing before the Agricultural Land Condemnation Approval Board (ALCAB) have been sent on October 13th. The Director of Farmland Preservation for the

Department of Agriculture has advised that a joint hearing of the ALCAB, Board of Supervisors, County Commissioners, and the Township Ag Security Area Ad Hoc Committee will be scheduled in mid-November.

b. Public Works Director

Whitehall Road Widening: This project has been submitted to the Agricultural Lands Condemnation Approval Board, ALCAB.

Old Gatesburg Road Extension: The Board will consider award of this project.

Traffic Calming Policy: The Board suggested that the Planning Commission be made aware of the merits of a Township traffic calming policy and program. The Public Works Director is awaiting direction from the Board. They intend to develop a policy and they are requesting the Commission's help.

c. Director of Planning and Zoning

Ms. Lang reported that their regularly scheduled meeting on October 11, 2010, the Planning Commission reviewed and made recommendation on all plans on the Board's agenda at this October 18th meeting.

d. Chief of Police Report

Part 1 crimes continue to decline. Part 2 crimes are also lower, with the exception of DUI's, which are up substantially. Other calls for service are up slightly for the month and year to date. There were 7 grant-related traffic details, where 42 citations were written, a buckle-up detail on Martin Street, 2 heavy truck enforcement details, and a drive safe grant in multiple areas.

e. COG Committee Reports

1. *Public Services & Environmental* – Mr. Heinsohn said they heard an interesting report regarding a “swamp-like” area that will be built on Kissinger Estates. He provided details on this.
2. *Finance* – Mr. Killian said the Library Director has found a corresponding cut in the budget...so it is balanced... to take care of the local shortfall. But in the past the Board made a contribution. *The Board's consensus was NOT to contribute the balance this year.*
3. *Personnel* – Mr. Heinsohn said they are proposing a policy regarding the dismissal of COG employees.
4. *Public Safety* – Mr. Keough said the preliminary report on the assessing of community impact of large events has been completed. The committee has recommended some changes to that. It will be presented at the COG Forum meeting. Also, there are some concerns from local fire and safety personnel regarding access. A letter is being formally requested to be transmitted to County Commissioners and CPI staff to address some of those issues. Mr. Keough said they have at times discussed that the regional growth boundary will not change for years. One limiting factor of that is the sewer authority and capacity. He suggested having a presentation made to the Board since water re-use is becoming a bigger issue. Mr. Pytel commented. Ms. Lang said it is a good thing not to have infrastructure that is outside the growth boundary, but although it is one element that limits growth, the location of the boundary is not dependent upon the availability of sewer service. Jim May wants to bring this to COG's attention and emphasize the importance of the growth boundary.
5. *Executive* – Mr. Miller said they will meet tomorrow and will discuss their membership, or lack thereof, in the library. The second issue is the difference in people's views of the fair share regarding students on campus.

Mr. Heinsohn commented on the Westfield Stormwater Basin, which is evidence that problems exist in the Township with Homeowners' Associations. He suggested that the Board discuss the governance of HOA's at some point in the future. *The Board's consensus was NOT to put this on a future agenda.*

Mr. Killian asked, with regard to Mr. Miller's Executive Committee report, if there is interest in rejoining the library based under certain conditions. Mr. Miller believes they should consider this, but they need to state conditions. Mr. Heinsohn agreed.

IX. MINUTES

a. October 4, 2010 BOS Regular Meeting

Mr. Heinsohn made a motion to approve the October 4, 2010 BOS Regular Meeting Minutes. Mr. Pytel seconded the motion. The motion passed unanimously.

X. ADJOURNMENT

With no further business to come before the Board of Supervisors, Mr. Killian adjourned the October 18, 2010 Regular Meeting at 10:52 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 11/01/2010