

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting

Monday, November 15, 2010

7:00 pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, November 15, 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; William Spedding, Penn Terra Engineering; Michael Pratt, Keller Engineering; Bill Hechinger and Pam Steckler, 127 Hoy Street; Kathy Hood; Rita Wasson, 1451 Ash Avenue; and Ed Murphy, 254 Pine Grove Road.

II. CALL TO ORDER

Mr. Killian, Chairman, called the November 15, 2010 meeting to order at 7:00 pm.

III. PUBLIC HEARINGS – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION AUTHORIZING THE EXECUTION OF AN APPLICATION TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR THE ERECTION AND MAINTENANCE OF A TRAFFIC SIGNAL AT THE INTERSECTION OF OLD GATESBURG ROAD AND BLUE COURSE DRIVE

Mr. Kunkle said as part of the completion of the design and the award of contract for the project extending Old Gatesburg Road to Blue Course Drive from Science Park Road, a new signal will be planned at this intersection. The Board has already entered into an ongoing maintenance agreement with PADOT. An application needs to go to PADOT in order for a permit to be issued.

Mr. Heinsohn asked if this signal will be timed so that it will not block traffic on West College Avenue. Mr. Modricker said the signal will not necessary be tied into the intersection at W. College Avenue. It depends on the distance and the volume of traffic, but it should not cause a backup on W. College Avenue.

Mr. Pytel made a motion to adopt Resolution 2010-30, authorizing the execution of an application to PADOT for the erection and maintenance of a traffic signal at the intersection of Old Gatesburg Road and Blue Course Drive. 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 AUTHORIZING THE EXECUTION OF AN APPLICATION TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR THE ERECTION AND MAINTENANCE OF A TRAFFIC SIGNAL AT THE INTERSECTION OF RESEARCH DRIVE AND WHITEHALL ROAD

Mr. Kunkle said this signal will be included in the contract for the widening of Whitehall Road from W. College Avenue to University Drive. This will be a new signal. An application needs to go to PADOT in order for a permit to be issued.

Mr. Heinsohn asked if this signal could be activated from the building for police purposes. Mr. Kunkle said not at this point. Currently the only agencies able to use pre-emption are the fire companies. Mr. Pytel said the COG Transportation Committee brought this up, and they would need make a request to the COG Public Safety Committee for consideration of this. Mr. Keough asked, if there were a pre-emption system for this light, whether it could come out of the police department rather than providing a system in every car. Chief Conrad said pre-emption is mainly there for fire trucks because they are so large and difficult to stop. They were having problems deciding what would make the most sense. Most places restrict it to fire, and she does not believe it would necessarily be practical to request it for the police department at this point.

Mr. Pytel made a motion to adopt Resolution 2010-31, authorizing the execution of an application to PADOT for the erection and maintenance of a traffic signal at the intersection of Research Drive and Whitehall Road. Mr. Heinsohn seconded the motion. With Mr. Heinsohn, Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

3. A PUBLIC HEARING ON A RESOLUTION ADOPTING A REVISED SIDEWALK SNOW REMOVAL MAP

Annually the Board adopts a sidewalk snow removal policy map. Ms. Lang said the purpose of the map is to identify areas in the Township where the sidewalk is not contiguous and therefore exempt from keeping it clear during the winter. They have removed a section of development in Saybrook. They anticipated having some connections made in the Landings. In lieu of finalizing the approved phase of the Landings where there are no homes on the properties, staff asked S&A to finalize the sidewalks in a later phase of the Saybrook Development. For 2011, the only two areas that have a piecemeal system in place are the Landings and Thistlewood, which are exempt from the requirements of snow removal.

Mr. Pytel made a motion to adopt Resolution 2010-32, approving the sidewalk snow removal map for 2010-2011. 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. COMMUNICATIONS TO THE BOARD

Mr. Heinsohn said Cecil Irvin, former Board member, contacted him on behalf of many farmers along Whitehall Road. He requested that the contract the Township writes for the Whitehall Road Widening Project makes it clear that any soil removed from any of the farms (and possibly houses) be the possession of the farmer rather than the possession of the contractor. Mr. Modricker said he has discussed this issue with their consultant engineer, who believes they can include some special provisions in the contract to address that. The concept of property owners retaining topsoil is something they will try to accomplish; however, there are some difficulties and complexities including a provision in contracts. Mr. Modricker will address this the best he can. He believes as far as the agricultural community goes, there is no good place for the soil to be stockpiled during construction.

Mr. Kunkle asked if the Board is willing to assume this as an additional cost to the Township if necessary. Mr. Pytel suggested asking first if the farmer wants the topsoil. If not, the Township can do with it what it wants. But if the soil is trucked somewhere, there will be a question of whose soil it is and how much of the soil belongs to what property owner. Mr. Killian said there is a distinction between residential and ag property owners. Mr. Kunkle said by stockpiling soil on site, it will interfere with farming practices during the construction season. Mr. Keough suggested having Mr. Modricker meet with each affected property owner along Whitehall Road to determine where the topsoil should be stockpiled. They need to gain

feedback from each farmer. Also, a contractor typically hauls the topsoil away. If they are going to remove the soil from the site, and the contractor ends up with it, there should be some compensation for the farmer. Mr. Modricker said they already have the compensation through the purchase price of the right-of-way, and whatever option is feasible will be reflected in the bid prices. He will do his best to accommodate farmers in the area.

Mr. Killian asked for clarification. Mr. Modricker said standard practice is that the contractor does whatever he needs to do with the topsoil and leaves only that which is needed for the job. The rest becomes his property, and he sells it. When the land is appraised and purchased, the compensation for the topsoil occurs.

Mr. Kunkle clarified that if the material needs to be loaded and trucked to another location, more money will need to be expended. Mr. Modricker said there would also be a liability issue if the contractor is directed to place the topsoil somewhere else on the farmer's premises.

Bill Hechinger, 127 Hoy Street, said they had some experience with the soil issue when Hoy Street was redone. He suggested avoiding a hassle by having someone from the ag extension photograph the soil in case a contractor comes back and dumps the wrong soil on someone's property. This way the soil would be of equal quality. Mr. Heinsohn suggested the language "retain the soil."

Mr. Keough received calls with regard to the W. Whitehall Road project and an email with regard to the Westfield Subdivision detention basin.

Mr. Killian received a petition against the completion of sidewalks from residents in Pine Grove Mills.

V. ACTION ITEMS

1. FINAL LAND DEVELOPMENT PLAN FOR THE OAKHILL TOWNHOMES PARKING LOT

This project involves the construction of 20 additional parking spaces and a new access point from Farmstead Lane to accommodate the parking demand associated with the previously constructed townhouse development. The Township has been dealing with on-street overflow parking on both Farmstead Lane and Valley Vista Drive. These areas have been restricted for long-term on-street parking. The Township staff has had concerns with the location of the additional parking, as it relates to the drainage way immediately adjacent to the parking lot and the application of the Riparian Buffer. The DEP has determined that the drainage way is not an intermittent stream and therefore the application of the Riparian Buffer cannot be utilized for this land development plan.

Ms. Lang said the Planning Commission looked at this project at their last meeting. At that point there were still a number of unresolved engineering issues. They suggested that as long as those items had been addressed, they would recommend moving the project forward. Staff received notification from Pennoni that all of those issues have been resolved.

Mr. Keough asked if the Township has the drainage way listed as a riparian buffer area. Ms. Lang said yes; it is on the zoning map as being impacted by the riparian buffer overlay zoning district. Mr. Keough asked what the DEP used as criteria to declare this as not being an intermittent stream. Ms. Lang said there was no defined bed and bank. Water has always flowed through there. When this project first came in, there was floodplain on this site. The property owner completed a LOMR and had FEMA remove the floodplain. A drainage easement was placed over that area to allow the water to continue to flow. The

specific wording of the text of the riparian buffer ordinance did not allow the Township to enforce the riparian buffer regulations in this location. Staff is working to have this amended. This was a model ordinance developed by CRPA. Some of the definitions are not as precise as they need to be to allow them to impose those regulations in this instance currently.

Mr. Pytel made a motion to approve the final land development plan for the Oakhill Townhomes parking lot, subject to the completion of the outstanding conditions for approval as set forth in the Director of Planning and Zoning memorandum dated November 10, 2010. Mr. Heinsohn seconded the motion. The motion passed unanimously.

2. RE-APPROVAL OF HMS BLUE COURSE MEDICAL BUILDING FINAL LAND DEVELOPMENT PLAN

Due to an oversight by the consultant's engineer, a timely reply to acceptance of the conditions for approval, which the Board placed on the plan at its September 20th meeting, has required that the land development plan be re-approved. As part of the resubmission the design engineer has addressed many of the outstanding conditions initially attached to the plan approval. Re-approval of the plan will establish a new recording timeframe for the plan.

Ms. Lang said part of the MPC is a requirement for the applicant to accept the conditions of approval within a 10-day timeframe, and non-acceptance of those conditions constitutes a voiding of the conditional approval given by the Board. In this instance, the applicant did not keep track of that timeframe and the Township did not get an acceptance of those conditions within the 10-day time period. In the interim, a number of conditions presented were resolved. There are just four planning issues and some administrative issues remaining.

Mr. Heinsohn made a motion to re-approve the HMS Blue Course Medical Building final land development plan based on the conditional identified and to waive the filing fee for resubmission of the plan. Mr. Pytel seconded the motion. The motion passed unanimously.

3. CONTINUED DISCUSSION OF TERRACED STREETSCAPE ZONING DISTRICT

The Board left off its previous discussion at the point where setbacks within the district needed to be finalized. Mr. Killian said once the Board is finished discussing the proposed ordinance and the public has been provided opportunities to comment on each area, they will direct staff to prepare a revised draft ordinance.

Setbacks:

Front Yards

Currently sidewalks are to be 12 feet deep from the back edge of W. College Avenue and a minimum of 5 feet deep from the back edge of the curb on side streets and cross streets on W. College Avenue. This would include Corl Street. They are not changing the sidewalk size along the front of those properties. Mr. Killian suggested increasing the 5 foot width to 6 feet to provide more space in the front yard setback. Ms. Lang said 5 feet is standard in the Township, but it is on the small side of standard generally. ***The Board's consensus was NOT to increase the 5 foot width.***

Pam Steckler, 127 Hoy Street, said regarding the 12 foot sidewalk with buildings on a zero lot line, they believe there should be a setback of at least 22 feet. This will be building on a zero lot line just 12 feet from heavy truck traffic going down Route 26. She previously owned a shop on Beaver Avenue that was

just 12 feet from the curb. It was a continuous nightmare to keep the sidewalk clean. This is supposed to be pedestrian-oriented, so she suggested that the Board reconsider these proposed setback widths. Mr. Killian said 12 feet would be wider than most of the sidewalks in the Borough. They discussed this briefly.

Bill Hechinger, 127 Hoy Street, said they actually measured the sidewalk they were referring to and it was 11' 6". The issue is not really to make the sidewalk larger, but to have a small sidewalk where people can walk, which leads to a larger sidewalk. He suggested having a smaller sidewalk and then an 8' sidewalk in areas where traffic is not heavy.

Side Yards

Mr. Killian said a side yard of 5 feet may be imposed by the building code. In the event that a side yard abuts an alley, the side yard shall be established as a rear yard consistent with the provisions of rear yard setbacks. That was a concern but involves only one property. Ms. Lang said in all instances where the side yard abuts the boundary, the ordinance says the side yard will function as a rear yard and will therefore be larger. There is only one property outside of that area and it is part of a 3-lot series with frontage on W. College Avenue. The other question paramount in the Board's discussion was how to treat that rear yard when it abuts an alley. She provided details.

Mr. Killian said they do not currently propose setbacks for front and side yards. Mr. Keough supports the way it is currently written.

Rear Yards

Mr. Killian said the original draft did not include the 12 foot landscape buffer. Ms. Lang said current language states that a standard rear yard is five feet. For those properties adjacent to a single family residential dwelling unit or a property outside of the district, there is a 12 foot landscape buffer in lieu of the 5 foot buffer. There is a choice. This only applies to certain lots in the district. This buffer would need to have a standard written in the landscaping section of the ordinance that would apply. There would be a standard landscape treatment used. Mr. Pytel said this should be further defined. Ms. Lang said the Township has landscaping standards that usually provide a choice of width and depth of material. They could develop something like that in this instance or be more specific. There needs to be a standard developed. Mr. Heinsohn and Mr. Keough are fine with the way it is written.

Ms. Lang said within the zoning ordinance there is a landscaping section. There is a buffer yard table. The Board can either use the existing language or create new language. Mr. Miller expressed concern that all access to these businesses must be from the rear of the building and there needs to be a 12 foot vegetative buffer in the rear. Ms. Lang said this extra 12 foot buffer applies only where the rear yard of a lot in this district abuts a single family lot. Where it abuts an alley there is a sidewalk and a 12 foot buffer. There would not be any access issues with these proposed regulations. They are not suggesting that the buffer would have to run the whole way across the access point. There could be a gap.

Ms. Steckler clarified that the rear yard setback could be 5 feet or, if abutting a residence, 12 feet. Ms. Lang said this would also include properties outside the district. Mr. Killian explained. Ms. Lang said in "Standard A" the choices are 5 feet or 12 feet, but the total is *not* 17 feet. In "Standard B" the total would be 17 feet. Ms. Steckler said they would like to see a deeper rear setback.

Ms. Steckler said on the side yards, the maximum will just be 10 feet, even if it abuts residential. Ms. Lang said the side yard setback is 5 feet. If it does not meet one of the above criteria, another requirement would apply. Ms. Steckler said they would like to see a deeper side yard setback as well.

Mr. Hechinger said they are particularly concerned about a non-conforming residential use like themselves. They proposed a minimum 15-foot setback, which is the current requirement.

Mr. Miller is fine with how the proposed ordinance is written currently. Mr. Keough said their lot is within the commercial zone itself, which is part of the issue. Ms. Lang said the thought process has always been that the size of the lots out there are extremely small. Mr. Killian said the balancing act is providing opportunities for use of the property and the size of the setback. Ms. Steckler said they feel a larger setback would be more protective. ***The Board's consensus was to keep the proposed ordinance as written for rear setbacks.***

Lot Coverage

Mr. Killian said, based upon the lot size, permitted coverage is 50, 60, or 75%. Ms. Lang said impervious coverage includes everything that is impervious. What is currently permitted reduces the permitted coverage for every lot in the zoning district. Currently 80% coverage is permitted on every lot in the district. This reduces the permitted coverage on a significant number of existing lots in the district without the use of incentives. Mr. Keough said they require some kind of sidewalk. He asked if that is considered in the impervious coverage. Mr. Modricker said it depends which side of the property line it is on. Mr. Keough asked if there is enough right of way on some of the cross streets to allow for the 5 foot sidewalk in the right of way. Ms. Lang said yes.

Ms. Steckler said they would like to see a building size specified rather than just a general percentage of lot coverage. This leaves things open for very large buildings. There should be a maximum percentage of building size, not just a general percentage of impervious. They had originally stated that they would like to see 35% maximum building coverage. With incentives, the TS district allows up to 90% coverage, which they do not believe would allow for green space. Mr. Keough said ordinance proposes 60% coverage on lots from .4-.99 acres. Ms. Steckler is saying they would rather have a percentage for the structure of the building. Ms. Lang said that is a standard suburban design. The building is half the size of a parking lot. They would prefer the building to be the majority of the lot. Ms. Steckler said they do not want larger, high-density buildings against the residential area on Beaver Avenue.

Mr. Miller said Ms. Steckler does not want high-density, but she is essentially proposing what currently exists. Ms. Steckler disagreed. Mr. Heinsohn said the Township has gone to great lengths to specify building heights, etc. He believes this is sufficient. They are looking for higher density.

Mr. Hechinger said the Township is trying to get rid of suburban style commercial zoning. He expressed concern that the Board approves subdivision plans with a large amount of surface parking. Mr. Heinsohn urged the public not to mix up the proposed TSS district with other plans.

Incentives

Mr. Heinsohn objects to green incentives. What are provided as incentives are actually non-incentives. Green roofs are not worthwhile.

Mr. Hechinger replied to Mr. Heinsohn's comments. He asked how many stories the medical facility plan approved earlier in this November 15th meeting. Mr. Hechinger believes that height is a bit low for the large amount of surface parking.

Parking Requirements

The Board questioned the ratio of 1.5 spaces for each 2 bedroom apartment or larger. Mr. Keough said on the surface one might think more parking is better, but in reality less parking is better. Ms. Lang said

the entire idea of what is an appropriate number is a fallacy. They could never provide enough. The more they restrict parking, the more there is an awareness that driving is not convenient in this district, and the less people tend to drive. Mr. Keough said part of the balancing act will be access to bus transportation, park and ride concepts, etc. where appropriate rather than trying to provide adequate parking on site for each of the buildings. Mr. Heinsohn said they should not assume they will get any shared parking with the University. Mr. Keough clarified that the University would be part of some type of intermodal transportation.

The public suggested different requirements for number of parking spaces for different sizes of apartments. Mr. Killian said the Township's maximum is a 2 bedroom apartment. Ms. Lang explained that they do not stop at 2 bedrooms; rather, they stop at 1.5 parking spaces. It goes back to the information she provided with regard to sufficient parking. They cannot assume that everyone in all apartments will have a vehicle.

Mr. Miller expressed concern with applying this in the proposed TS district. These figures are based on being surrounding by high density, but, though the parking is restricted within this development, they could be very far from this district in areas of on-street parking. Ms. Lang said all of that is currently limited to permit parking within this district. Mr. Miller disagreed and said once they get outside of this district, assumptions are different from those being tied in here. He agreed with the idea of not providing free parking for each apartment.

Ms. Steckler said Ferguson Township is not like New York City. Here, she believes, people need to have cars. There will be many problems created if adequate parking is not provided. Mr. Heinsohn said if parking requirements are too stringent, customers will not shop at businesses.

Mr. Killian said in some apartment complexes a different formula is used for the number of parking spaces per bedroom. Ms. Lang said the percentage could be per dwelling unit rather than per bedroom.

Mr. Heinsohn is fine with 1.5 parking spaces. Mr. Killian suggested using the percentage of .75 spaces per bedroom. Mr. Keough believes that more parking spaces are necessary. The Centre Region is rethinking massive parking lots and land waste, with the exception of three holidays. Build-out continues to occur within the primary growth area, so expansive lots become a burden to the economy rather than an asset. To be successful in the proposed zone, they need to market this zone to the lesser parking access, not more. If they want this area to be more pedestrian-oriented, they cannot encourage a lot of driving traffic. They could encourage people without vehicles to live in the proposed TS district. He is fine with this section as written. Mr. Pytel believes more parking spaces are needed. He believes if adequate parking is not provided here, people will park elsewhere (e.g. Beaver Avenue). Ms. Steckler agreed. Mr. Killian said there is a different standard for retail parking. Mr. Miller said there needs to be foot traffic for businesses to thrive, and parking restrictions are one way to do that. Ms. Lang said they also discussed in previous worksessions the idea of "park once." The idea was that they cannot have every lot accommodate every car that comes to the district. ***The Board's consensus (three out of five members) was to retain the current wording of the ordinance.***

Parking for Non-Residential Uses

Mr. Pytel expressed concern about a landscape buffer between the sidewalk and the street, which could provide opportunities for people to hide at night. Ms. Lang referred Board members to the proposed HMS building design. She said the landscape buffer is intended to be shrubbery. Mr. Pytel is primarily concerned about safety.

Mr. Killian said the proposal is that the parking for non-residential commercial uses shall be provided at a rate of 1 space per 500 square feet. There was a public comment that this should be a rate of 1 per 250 square feet. Ms. Lang said retail is currently 1 per 200 square feet. Most office uses are 1 per 250 square feet. They found mostly that they have overreached with providing free parking. They have a lot of empty lots. Mr. Keough would rather not incentivize the need to drive a vehicle to the front door of an establishment.

Ms. Steckler said a new bar and grill recently opened on W. College Avenue. They have 1 space per 50 square feet. The lot has been full, and often on busy weekends and evenings they use an adjacent lot. The proposal is for even fewer parking spaces. One space per 500 square feet will be a disaster. Either people will not come or there will be cars everywhere. They suggested one per 250 square feet, the existing requirement in the Township for general commercial, which is actually under what most people would want. She asked how this change in square footage was justified. Mr. Keough commented on the parking spaces for the new bar and grill. There is not a walking public there. They are hoping in this district that, with the increased density, there will be less of a need to provide one parking space per customer. They are proposing intermodal transportation opportunities as well. Ms. Steckler feels that they cannot assume that a high-density situation will cause people to want to walk everywhere.

Mr. Heinsohn and Mr. Pytel do not agree with the 1 space per 500 square feet. Mr. Heinsohn said the alternative would be a large parking structure. Mr. Keough wants to keep the proposal of 1 space per 500 square feet. He would not want to go below 1 per 400. If they build enough parking to address the 1 per 250, they will be stuck with that, and this will generate a large amount of car traffic. Ms. Lang said this is a "park once" district. There will be the opportunity to park once and visit a number of sites without having to move a car.

Mr. Pytel pointed out that this is the minimum number of parking spaces. Ms. Lang said as long as the parking is located appropriately on the site, additional parking spaces could be provided if the impervious coverage requirements, etc. were met. Mr. Miller added that if businesses and developers determine that there is a need for greater parking, they will build a parking garage. Ms. Lang said there is a surface parking maximum. They are trying to decrease the amount of surface parking and encourage other types of parking.

Mr. Hechinger said on the HMS subdivision plan he had mentioned, this parking lot will provide possible opportunities for future buildout. He suggested allowing more surface parking and, in the future when it becomes appropriate, they could require the surface parking but control the way it relates to the building. This way the space would be available in the future to provide even more parking by building up.

Ms. Steckler does not believe off-site parking should be able to be located up to 1,000 feet from the main entrance. Ms. Lang said the standard distance that is considered walkable is $\frac{1}{4}$ mile, which is what it currently is. Ms. Steckler expressed concern about the proposed permitted distance. ***The Board's consensus was to stay with 1 parking space per 500 square feet.***

Parking Incentives

Ms. Steckler commented about the 10,000 square feet, saying this number should be smaller. Also, curbside deliveries are permitted as long as they do not block travel lanes. Ms. Lang said there is a possibility of providing on-street parking on W. College Avenue. Mr. Miller clarified that at the last meeting he commented that they had removed the street definitions from the Design Guidelines. Ms. Steckler asked how it will be possible to have curbside deliveries. Ms. Lang explained.

Mr. Miller made a motion to direct staff to include the Board's changes and write up an ordinance for the proposed TS district that can be advertised for public hearing. Mr. Heinsohn seconded the motion. Mr. Killian asked how long this would take. Ms. Lang said she can have the clean copy to the Board for consideration at its next meeting. They would then need two weeks to advertise for a public hearing. Ms. Lang will provide a clean copy of the ordinance for the Board. The motion passed unanimously.

4. ALCAB HEARING

On November 18th the Agricultural Land Condemnation Approval Board (ALCAB) will hold a hearing on the impact of the Whitehall Road Widening Project on lands that are included in the Ag Security Area. Staff has made presentations to the County Ag Preservation Board and to the Township Ad Hoc Agricultural Security Area Committee. The Board, along with the County and Ad Hoc Committee, will have an opportunity to state a position before the ALCAB on November 18th. Township staff, along with the consulting engineer and the Township Solicitor, is working to prepare the presentation.

Mr. Kunkle said this is a state-wide board that is established under the Ag Security Area Act. They hear requests to do public improvements on land designated in the ag security area. In this instance, the hearing is related to the Whitehall Road Widening Project, which impacts properties along that alignment with regard to acquisition of additional right of way and providing for utility relocation and stormwater management. The Board had made a request for staff to review stormwater management alternatives on the Campbell property. An analysis has been completed.

Mr. Modricker discussed the five alternatives studied:

- 1) *Conventional design as originally proposed by consultant* – stormwater from the east is piped along Whitehall Road and there is a detention basin
- 2) *Use of a berm along the property line* – the concept was first discussed by Mr. Heinsohn when he discussed considering a farmable basin. Dr. Cannon made a presentation as well. Mr. Modricker conducted a field view and they looked at the area extensively. There is an active sinkhole in two areas. There is no real defined channel between those two locations.
- 3) *Use of a berm along the property line* – they continued the pipe to the cross culvert at Spruce and allowed it to discharge
- 4) *Use of a berm along the property line* – they brought the pipe even farther and it discharges at the farm to the south
- 5) *Use of a berm along the property line* – stormwater piping that was part of the original design exits and that water would go out an outlet structure in the berm and would continue to flow in a similar path as Alternative #1

Mr. Modricker said comparing Alternative 3 to Alternative 5, the net difference in terms of elevation is only inches. Staff does not see a great benefit in going from one alternative to the other, but there would be a significant increase in cost.

Mr. Keough asked, based on the soil testing completed, what length of time the ponding would typically remain in the field. Mr. Modricker said 12-16 hours in a 100-year storm event and less for a smaller storm event. Mr. Kunkle said this volume of water occurs when there is frozen ground and a quick melt of snow or a rain storm.

Mr. Modricker said the preferred method of handling stormwater on the project is very similar to what they initially designed, with the exception that they are incorporating a berm as a one-sided basin as

opposed to a basin that can never be farmed. But staff is not recommending that they run the stormwater pipe through the neighborhood and discharge at a different location. Mr. Pytel asked who is responsible for the berm and the water coming into the farmer's land. Mr. Modricker explained.

Mr. Modricker's general impression is that Dr. Cannon envisioned different results than the ones achieved through the engineering analysis performed by Trans Associates. There is an existing drainage easement through Corl Acres. Currently the water does not flow the way it is shown on the subdivision plan. He suggested doing some re-grading and extend the drainage easement shown on the subdivision plan to encompass the area where the water actually flows. ***Alternative 5 is staff's preferred alternative, and is significantly less expensive than other options.***

Mr. Keough is uncomfortable with the fact that the Township is still in negotiation with the Campbells. Mr. Kunkle said the hearing on November 18th will be a decision on whether or not the project and design are prudent and reasonable. They will present the entire project. They are hoping to demonstrate that they have investigated the reasonable alternatives and have chosen the most prudent and reasonable alternative of the five presented. The Township cannot guarantee that the Campbells will be able to use the entire property all the time.

Mr. Kunkle said first the ALCAB board would have to determine that the project design is reasonable and prudent. If that occurs, the issue then reverts to acquisition of the property, which would follow normal acquisition procedures. He explained the remainder of the process. He also noted that they had a question about how they would acquire the property. Some of the deeds on Whitehall Road actually have their deeds as the center of the road. This will need to be considered.

Mr. Heinsohn made a motion to support the Township's request before the ALCAB hearing to allow for the acquisition of lands within the Agricultural Security Area to be acquired for the Whitehall Road Widening Project and to support Alternative 5 as presented by the Director of Public Works. Mr. Miller seconded the motion. The motion passed unanimously.

5. APPLICATION FOR TRANSPORTATION ENHANCEMENT GRANT FUNDING

Mr. Modricker said these applications are currently open by the CCMPO. The last such project that the Township completed was a streetscape project in Pine Grove Mills in 2005. Very often these projects run over budget. The cost of this project will depend on its scope. The Village Group has \$20,000 in the bank waiting for an opportunity like this. He provided two options for the Board:

- 1) More vintage style street lights, as well as sidewalk installation
- 2) Project extended up Pine Grove Mountain to Chestnut Street; sidewalk would need to be installed along the west side of the road, as well as street lighting

Mr. Killian said since the total funds available in the entire county is \$993,000; he believes Option 1 is the only feasible option.

Mr. Pytel said they need to explain the two options. Mr. Miller agreed. He said they should ask for both projects, providing a better chance of getting one of them.

Ed Murphy, 254 Pine Grove Road, said he spoke with the residents near his house and none of them were interested in having a sidewalk. There are a lot of trees along there. If they wanted to run the street lights out there, the sidewalk would be a lot of work. Mr. Modricker agreed, saying they would have to

remove trees, etc. Mr. Kunkle said part of the criteria under which they would be applying for this would be to enhance pedestrian movement. Mr. Modricker did not go out and look for non-conforming sidewalk within the project limits. Mr. Killian said their chances of getting this grant hinges on installing the sidewalks, not the lights. Mr. Pytel suggested installing the sidewalk closer to the road so that trees do not have to be removed. Mr. Modricker would like to see the trees saved too, but other problems arise when sidewalks are installed closer to the road.

Mr. Kunkle said this application is due in mid-December. Mr. Miller asked whether these estimates take into account removing trees, etc. Mr. Modricker said they are very general in nature, but they do take those types of things into consideration. Mr. Keough asked if Mr. Modricker could see if they could install the sidewalk without removing trees and still remain within reasonable safety guidelines. Mr. Modricker said yes. Mr. Keough does not want to see the removal of trees in this area. However, it is addressing a limited number of residents. Mr. Kunkle said it is very helpful that there are matching funds in the community. Mr. Keough would be in favor of the project if it can be done safely and without the removal of trees.

Mr. Miller made a motion to authorize submission of a grant application for Transportation Enhancement Funding to the Centre County Metropolitan Planning Organization (MPO) for a streetscape project in Pine Grove Mills. Mr. Heinsohn seconded the motion. The motion passed unanimously.

6. APPROVAL OF CONTRACT TO TUDEK PARK IMPROVEMENT

Mr. Pytel made a motion to award Contract 2010-C4 Tudek Park Improvement to Landserve, Inc., the lowest bidder, in the amount of \$13,622.50. Mr. Heinsohn seconded the motion. The motion passed unanimously.

7. OCTOBER 2010 VOUCHER REPORT

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

8. CONSENT AGENDA

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

VI. REPORTS

a. Manager

- Township staff has received notice from Ralph Wheland of his immediate resignation from the Township Planning Commission, CRPC, and the Township's Ad Hoc Ag Security Committee due to health reasons. Ms. Lang said Mr. Wheland is feeling much better. He is willing to reconsider the "immediate" resignation. This is on hold.
- Mr. Kunkle received a letter from CRPA Director Jim May regarding sewer service to the Whitehall Road Regional Park. The park is located outside the Regional Growth Boundary (RGB) and Sewer Service Area (SSA). A Development of Regional Impact (DRI) is being prepared to address the need for expansion of the SSA to allow a pump station and sewer service line to be

constructed to provide sewer service to the park. The letter requests that sewage service be considered for the planned restrooms at the park other than sanitary sewer service expansion. Alternatives could be a composting toilet or conventional on-site septic systems.

First, although Mr. May contends that the expansion of the SSA to provide this service is not consistent with regional planning goals, the alternative may not be either. This park is at the pinnacle of the Harter-Thomas Well Field groundwater contribution area for these major potable water wells of the State College Borough Water Authority. Placing a large septic drain field in this location is not consistent with regional goals to preserve groundwater quality. Second, given the magnitude of the planned activities, play fields, tournaments, etc., the use of the restroom facilities could exceed the ability of an on-site septic system drain field to process the expected flows. Finally, there is the potential for two indoor recreation facilities. Given the year-round use potential, it would seem prudent to have reliable sanitary sewer service provided to these facilities. The Board should consider a response to this letter.

Mr. Heinsohn believes they should tie in the sewer system. Mr. Kunkle said they will have to get approval to extend the sewer service area. Mr. Miller suggested writing a letter supporting this. Mr. Keough asked if the expansion of the SSA impacts any other properties in that area. Mr. Kunkle said the Penn State property, zoned R4, is within the SSA and the RGB. It may, however, be difficult to provide sewer service to that area without a pump station. Mr. Heinsohn asked if the cost of the pump station would be covered by the new owners of the property. Mr. Kunkle said there are notes on the subdivision plan. Mr. Keough expressed concern that there are requests from other townships that have not been formalized with regard to the expansion of the sewer service area.

- Township staff and Code Administration staff visited the Sheesley property in response to Rita Wasson's concerns expressed at the November 1, 2010 Board meeting. The only zoning violation is an abandoned car on site. Code staff has inspected the property and found it in deteriorated condition. The former concrete plant will be posted and the Code Administrator is investigating condemnation and demolition of the structure. A second structure on the site is the former office building that has broken windows and other violations.

Mr. Keough said Mr. Kunkle wrote a letter to Jim Steff, Executive Director of COG, regarding the COG budget discussion items. He said Mr. Kunkle captured wonderfully the Board's attitude in that letter.

b. Public Works Director

Mr. Modricker provided detailed information about various 2010 Contracts regarding bids, proposals, and Open House projects. Highlighted were:

There is currently a transportation enhancement grant program available. Staff suggests that they submit the candidate project for safety improvements at the intersection of W. College Avenue and Blue Course Drive in the amount of approximately \$30,000. This is due at the end of November. Mr. Keough made a motion to apply for the grant as described. Mr. Pytel seconded the motion. The motion passed unanimously.

Whitehall Road Widening: November 9th staff met with Trans Associates and Solicitor to prepare for ALCAB hearing and review stormwater basin alternative analysis; November 9th staff presented project

to the Ferguson Township Ag Security Board; November 15th staff to review stormwater basin alternative with Lisa Campbell; November 15th staff to prepare for ALCAB hearing; November 18th ALCAB hearing. Pending resolution of the above, critical path goes through completion of right of way drawings, appraisals, right of way acquisition, agreements with utility companies, relocation of poles, finalization of contract drawings with anticipated bidding in Spring 2011. This is a very aggressive schedule.

Old Gatesburg Road Extension: Pre-construction meeting on November 10th.

Westfield South Basin Sinkhole Remediation: Work started on this project on November 8th. Mr. Keough said there was some concern about tire ruts in this area with regard to mowing. Mr. Modricker said they will get an invoice from HR, and a report and invoice from Converse Consulting. He asked HR for a proposal, so that in the spring they could do the final grading and put down seed and mulch. Mr. Keough asked about erosion during the freeze/thaw process. Mr. Modricker said he will look at the area again. Mr. Kunkle asked Mr. Modricker to get that proposal in a "not to exceed" number.

The 2011 CIP is in design by engineering staff. The safety improvements to W. College Avenue and Blue Course Drive are included in this list of projects.

c. Director of Planning and Zoning

Ms. Lang reported that the Planning Commission held its regularly scheduled meeting on November 8, 2010. Rob Crassweller, Vice Chairman, served as Acting Chair for Ralph Wheland, who has resigned from his position as Chairman of the Planning Commission and representative to the CRPC. Mr. Crassweller will continue to serve as Chair for the remaining meetings in 2010. At the November 8, 2010 meeting, items discussed that were not presented earlier in this November 15th meeting were as follows:

AIRPORT HAZARD OVERLAY ZONING DISTRICT REGULATIONS: A small area of the Township falls within a safety zone associated with the University Park Airport and, as a result, a draft of the associated regulations has been prepared for adoption. After reviewing the information presented, the Commission recommended approval of the regulations. The draft will be presented for the Board's consideration at a future date.

DRAFT TRAFFIC CALMING POLICY LANGUAGE: In response to the Commission's reluctance to consider the Board's desire to establish a Traffic Calming Policy, staff prepared draft policy language for consideration. After some discussion regarding the provisions of the policy statement versus the procedural steps of a Traffic Calming Program, Commission members offered some amendments and additions to the draft language. Staff has agreed to incorporate these changes and bring the revised Policy Statement back to the Commission for further consideration.

d. Chief of Police

Part 1 Crimes were down for the month and year to date. Part 2 crimes were about the same as last year. Non-criminal calls were down for the month. Citations were low in October, as state funding has been reduced. Parking tickets were down as well.

e. COG Committee Reports

1. *Public Services & Environment* – Mr. Heinsohn said they are preparing for the next COG meeting.

2. *Public Safety* – Mr. Keough said they met last week. In their last meeting the issue of a police officer at the hospital was discussed. The committee brought this back into the perspective that was intended. They are meeting with EMS providers, etc. They were assured that visitor safety is well covered with the security of the hospital staff, and local police departments have a regular presence at the hospital on football weekends, etc.
3. *Executive* – Mr. Miller summarized major issues for next week's COG meeting.

The Board has its budget worksession on November 16th at 8:00 am.

VII. MINUTES

Mr. Heinsohn made a motion to approve the November 1, 2010 BOS regular meeting minutes. Mr. Pytel seconded the motion. The motion passed unanimously.

VIII. ADJOURNMENT

With no further business to come before the Board of Supervisors, Mr. Killian adjourned the November 1, 2010 Regular Meeting at 10:36 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 12-06-2010