

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting

Monday, December 6, 2010

7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, December 6, 2010 at the Ferguson Township Municipal Building. In attendance were:

Board: Richard Killian, Chairman
Robert Heinsohn
Steve Miller
Bill Keough
George Pytel

Staff: Mark Kunkle, Township Manager
Trisha Lang, Director of Planning and Zoning
David Modricker, Director of Public Works
Diane Conrad, Chief of Police
Eric Endresen, Director of Finance

Others in attendance included: Marsha Buchanan, Recording Secretary; Tony Fruchtl, Penn Terra Engineering; Dave Palmer, S&A Homes; Jim May and Eric Vorwald, CRPA; Rita Wasson, 1451 Ash Avenue; John Simbeck, 117 Delaware Road, PA Furnace; Joe Beddall, 1100 W. Beaver Avenue; Rhonda Stern, 119 N. Butz Street; Christine Bailey, 115 N. Butz Street; Glenn Ritter, 1443 Park Lane; Harriet Swanson, 1452 Park Lane; Paul Kozlovsky; Ray Caravan; Dan Sieminski; Dylan Tuttle; and Steven Watson.

II. CALL TO ORDER

Mr. Killian, Chairman, called the December 6, 2010 meeting to order at 7:00 pm.

III. PUBLIC HEARINGS – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION AUTHORIZING THE TOWNSHIP MANAGER TO ASSIGN FUND BALANCES IN COMPLIANCE WITH THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NUMBER 54

Eric Endresen, Director of Finance, said in 2003 GASB made a major change in the way governments report finances, in an attempt to be more in line with the private industry. They decided to have two sets of financial statements, a traditional one for government and one that would adjust to what readers of financial statements are used to. This caused some confusion, so GASB devised a new method, which will hopefully make statements easier to read. Mr. Endresen provided further detail about the various definitions and types of fund balances. This resolution would allow the Township Manager to assign fund balances without the Board's action on each item.

Mr. Pytel made a motion to adopt Resolution 2010-33, authorizing the Township Manager to assign fund balances in compliance with the Governmental Financial Accounting Organizations standards under Board Statement Number 54. 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

1. A PUBLIC HEARING ON THE PROPOSED 2011 TOWNSHIP BUDGET

On November 10th and 16th the Board held work sessions to review the proposed budget. In accordance with the Home Rule Charter and Administrative Code, the 2011 budget must be adopted prior to December 31st.

Mr. Kunkle thanked Board members and department heads for the time they committed to reviewing the 2011 budget. He provided a budget overview, highlighting the General Fund and Total Budget revenues and expenditures, then providing further details on the budget

Mr. Keough noted that the entire Board went through every page of the proposed budget with staff. They made comments and suggestions along the way and are now prepared to adopt the proposed budget as the tentative budget.

Mr. Heinsohn made a motion to adopt the 2011 Tentative Budget and schedule a Public Hearing on the Final Budget on December 13th. Mr. Pytel seconded the motion. With all Board members voting yes, the motion passed unanimously.

V. COMMUNICATIONS TO THE BOARD

Mr. Pytel has received calls about whether the Whitehall Road project will continue as planned or be delayed. Mr. Kunkle said there has been a continuing commitment by the Board to pursue this project and continue to work toward getting a suitable design that meets the regulations and guidelines the Township needs to follow. The process is taking a bit longer than anticipated and staff will meet with DEP this week in an attempt to firm up the actual guidelines and regulations they will apply to this project with regard to storm water management. Staff and the Township consultant have received two different sets of guidelines from DEP. This meeting could result in changing the amount of storm water effort the Township needs to make in order for the project to be successful. The staff can hopefully proceed quickly with finalizing the project and moving forward with the next step, which is right of way acquisition. The key element to getting this project under construction in 2011 is whether the utility companies can find time to complete the work within the window they have given the Township.

VI. ACTION ITEMS

1. PARKING RESTRICTION REQUEST – PARK LANE

Diane Conrad, Chief of Police, said Glenn Ritter, contacted the police department on November 9th about including parking restrictions on the 1400 block of Park Lane. At that time, Mr. Ritter reported to her that residents of Copper Beech were using Park Lane for overflow parking. He stated that the street is narrow and carries a lot of traffic and said therefore that he would like to see a No Overnight Parking restriction.

Glenn Ritter, 1443 Park Lane, said the parking problem comes from Copper Beech. They use Park Lane for their parking area several times throughout the year. The parking problem is at the Aaron Drive end of the road. It is a one-block road and a narrow street. Residents of Cooper Beech sometimes park

three to five cars there. Recently there have been certain cars there all week. He provided further detail about the parking problem. **Harriet Swanson**, 1452 Park Lane, said the parking problem has been getting much worse. It is unsafe for people backing out of their driveways, and emergency access is more limited. She contacted Ferguson Township last year. She and other nearby residents would like the Township to consider this problem.

Chief Conrad said they completed a cursory survey, and did not find the problem to be as severe as described by Mr. Ritter. Cars were rarely parked on that part of the street during the ten-day period when the survey was completed. One other concern mentioned was regarding problems at the bus stop. However, bus drivers have not complained to management. She said there are occasionally cars on both sides of the street. There are currently no parking restrictions.

Mr. Ritter said all mail to residents on this section of the street is delivered to streetside mailboxes. Ms. Swanson said sometimes the USPS will not deliver mail if cars are parked in front of mailboxes. Chief Conrad said the request was for a restriction of No Overnight Parking, but she believes safety could be a concern during the day as well if it is found to be a legitimate concern at night. She said parking will also slow traffic down.

Mr. Pytel suggested that the residents of Park Lane call the Ferguson Township Police Department when problems occur so their concerns would be on record. Chief Conrad said they can address issues such as people parking too close to the intersection, against traffic, or too close to someone's driveway.

Mr. Kunkle asked if the problem is more long-term, overnight parking versus infrequent, intermittent parking. Mr. Ritter said the problem is intermittent and that restricting overnight parking, such as a prohibited parking from 2 a.m. to 6 p.m. would address his concerns. Mr. Kunkle said, without prohibiting parking at all times, the Board could consider alternatives. Mr. Miller said he is reluctant to restrict parking unless there is a serious problem. If parked cars are taken off the street, traffic moves faster. Mr. Ritter said No Overnight Parking would be a big help. Chief Conrad said this is a public street, so if there are no violations, the police department will not be able to do anything.

Ms. Lang explained parking requirements for Copper Beech.

2. WHITEHALL ROAD REGIONAL PARK LAND – DRI APPLICATION – MR. JIM MAY, DIRECTOR CENTRE REGIONAL PLANNING AGENCY

The Whitehall Road Regional Park is located outside the Regional Growth Boundary and Sewer Service Area under the 537 Plan. As such, extending public sanitary sewer service is not permitted unless there is an amendment to the Centre Region Act 537 Plan to allow the Whitehall Road Regional Park to be included in the sewer service area. The region has developed a process by which requests to extend the sewer service area may be considered. This process is called a DRI (Development of Regional Impact) and requires the preparation of a comprehensive study of the impacts of expanding the sewer service area. As a regional facility, the CRPA has been designated to prepare the DRI for the Whitehall Road Regional Park. Once completed, the DRI study will be submitted to the Centre Region Recreation Authority, to the Centre Region Planning Commission, and to the COG General Forum. A component of the DRI is that the host municipality provides an endorsement to expand the sewer service area. The CRPA has agreed that Ferguson Township does not need to provide this endorsement since it is co-owner of the parcel and has been intimately involved in the acquisition and master planning process.

Jim May, Director of the CRPA, provided an overview of the CRPA's preparation of a DRI for the Whitehall Road Regional Park Land in Ferguson Township on behalf of the Parks and Recreation Authority. He said they do not have time to correct the DRI process before issues with DEP are resolved. They are in support of Mr. Kunkle's recommendation, which is to move this forward with public sewer and also consider the option of allowing them to work with DEP for about six months in an effort to convince them to shrink down the growth boundary expansion area. This project will be for extension of public sewer to serve the Regional Park. They will present the DRI application to Parks and Recreation Authority later this week.

Mr. May said they do not yet have the exact number of restrooms that would be constructed. Those facilities are not funded at this point, but they believe it is in the best interest of the park to install a sewer system.

Mr. Miller does not completely understand the problem with the full 100 acres being part of the growth boundary. Mr. May said they are concerned that any expansion of the growth boundary implies that the area is getting bigger. He explained in further detail. He also noted that the other regional parks are not inside the regional growth boundary. Mr. Pytel said this is a regional park so they should be able to include the entire 100 acres. Ms. Lang compared this to having a 100-acre farm that can only have one home developed on it. They want to see that the land brought in is being served efficiently. The intensity of use warrants public sewer, but there is a disconnect between the calculation for the amount of public sewer and the acreage that is being used. If they can refine those numbers, there will not be such a mismatch in terms of the acreage and the sewer service provided. Mr. Pytel said there is potential for indoor facilities, so sewer service should be provided all around. Mr. May said they are seeking more flexibility from DEP.

Mr. Keough said he would support some kind of restricted access to sanitary sewer service as part of allowing expanded sewer service area to the park. He expressed concern that the park sewer system delivery now has a piece that is not park, i.e. the R-4 Penn State lands. He would like to see some restriction placed on the access to that particular sewer service line.

Mr. Heinsohn said the University had requested access to the road leading to the park and there was some indication that housing would go in there (R-4 zone). Mr. Miller responded that this land is in the growth boundary. **Dan Sieminski**, Penn State University, agreed that the University owns property zoned R-4. Access to the park land is being provided through that property. The regional growth boundary extends into the R-4 land. A pump station is required in order to service this land and the park.

Mr. May said there is a lot of planning and engineering that must be done to make this work the way it should.

Mr. Killian said, based on discussions that Mr. Kunkle has had with Parks and Recreation and CRPA, he has provided some recommendations via a memorandum to the Board of Supervisors dated December 6, 2010. He summarized those recommendations.

The Board received and accepted the DRI application. Mr. Keough made a motion to approve the submission of the DRI with the conditions outlined in a memorandum from the Township Manager dated December 6, 2010 and to encourage both Township and CRPC staff to continue to pursue a resolution to expanding the regional growth boundary area with DEP. Mr. Heinsohn seconded the motion. With all Board members voting yes, the motion passed unanimously.

Mr. Killian suggested that the CRPA consider revising the discussion of cost (Page 24 of the draft DRI) to determine whether or not that should be part of the scope of the project.

3. DRAFT RURAL AGRICULTURAL BUFFER ORDINANCE

This matter was tabled in August 2010 as a result of concerns raised by an adjacent property owner. In the interim, staff has worked with the Township Solicitor to strengthen the ordinance by adding an intent section, which clarifies the reasoning for the Board's action in reducing the current 200 foot RA Buffer to 50 feet.

Ms. Lang said most of the language has remained the same. Most changes were provided under 206.I.1. There was some concern about which properties this would be applicable to. The language has been revised slightly with regard to which properties would be subject to the buffer, etc. The biggest change involved the creation of "whereas" statements, which clarify the intent and purpose of the change in the ordinance.

Mr. Keough said the last 206.I.1 comment says that approval of a reduction by lot owners who already have the 200 foot restriction should be contingent upon agreement of all property owners within that specified section. He asked if there is any mechanism for recording that agreement. Ms. Lang said it would be a change to the plan by any of a number of individuals or groups. Mr. Keough said there is no reference to what government entity would initiate this action. Ms. Lang said as with any subdivision or land development plan the Board is the approving agency, so it would need to come before the Board. She could reference the section of the zoning ordinance that provides information on how to prepare a subdivision or land development plan. Mr. Keough said the language should be as clear as possible. Ms. Lang said staff has tried to be clear about what the buffer entails when phone calls have been received.

Mr. Keough suggested that the word "perceived" in the third "whereas" statement be removed. Mr. Miller would like to check with Lewis Steinberg (Solicitor) before eliminating language to make sure there is not a particular reason that word was included. Ms. Lang said she provided the Solicitor with two pages of factual statements and he added the word "perceived." Mr. Keough expressed concern that none of the statements were written with any input from the agricultural industry. Mr. Killian said "perceived" may mean that they probably do not *want* to make a statement that it is not compatible. The court would determine in the case of a dispute, but they can get clarification from the Solicitor.

Mr. Keough said Item 12 on Page 20 reflects that they are not treating all zoning districts the same. They are retaining the 200 foot buffer any time something abuts forest game land. Ms. Lang agreed, but it only applies to properties adjacent to ag land. There are some properties that were always zoned for development. None of them have a buffer. Mr. Keough has not been in favor of the buffer reduction. Part of his disfavor in changing the ordinance has been the fact that they have chosen not to seek input from the group that wrote the ordinance originally. They have chosen not to engage the ag community in Ferguson Township. Mr. Killian said, at the same time, this has been an open and transparent public process.

Mr. Pytel said the person who originally wanted to reduce the buffer was a farmer who was on the committee that wrote the original ordinance. He explained the process that was gone through when the buffer was originally established. Mr. Keough believes the 200 foot buffer has been reviewed by many PA townships as one of the strongest statements in the ordinance to say to the non-agricultural community that they value ag industries and want to preserve it.

The Board reviewed and provided comment on the redrafted RA Buffer Amendment Ordinance. Mr. Miller made a motion to direct staff to draft an ordinance for the Board's final approval and to proceed to a public hearing on the ordinance. Mr. Heinsohn seconded the motion. With Mr. Keough voting no, and all other Board members voting yes, the motion passed.

4. DRAFT FEE IN LIEU OF PARKLAND ORDINANCE AMENDMENT

This draft ordinance accomplishes two objectives – first, to exempt the Parkland Fee in Lieu for any of the one or more dwelling units that could be established on the fifty plus acre farm lot and clarify that any further subdivision for residential lots in the RA/RR Zoning District would be required to pay the appropriate fee at the time of subdivision; and second, in mixed use development and/or mixed use structures, the fee in lieu would be applicable to the proposed residential units.

Ms. Lang said this in ordinance form, including the corrections requested previously. Mr. Killian said the revised ordinance incorporates all of the Board's previous suggestions. Mr. Keough said in the course of discussing this change in the ordinance with planning staff, some other weaknesses and/or issues have come up with regard to RA/RR zoning. Some issues need to be further discussed (e.g. who pays/who does not pay). He said it might be to the Board's advantage to hold off on this and have staff bring forward some of the other related issues.

Ms. Lang said they need to take a comprehensive look at changes that have been made to some of the RA and RR zoning districts. She provided an example. She said they are still interested in defining what a farm lot and a residential lot are. She suggested moving this action forward with the "50 plus acres" being removed from the sentence on Page 23. Mr. Miller agreed. Mr. Pytel said they cannot correct a problem that does not exist. Mr. Keough asked that he bring forward some of the conflicting issues he has uncovered in the process of clarifying the fee in lieu of parkland ordinance amendment.

Mr. Kunkle said after the Board provides direction to staff regarding the removal of the reference to "50 plus acres" and authorizes advertisement, then the ordinance amendment will be advertised for public hearing. Mr. Keough asked, in Section 2B, whether there is a reason they said the provision of this section shall apply to all *development* with either single or multi-family dwellings as opposed to all *subdivision*. Ms. Lang said technically the terms "subdivision" and "land development" are interchangeable. Development is an all-encompassing term. Mr. Keough said typically in rural areas, where a lot is set aside on the farm for a son or daughter, the mentality is not development. Mr. Kunkle said the first paragraph actually distinguishes between development that is occurring in RR/RA zoning districts from residential development in other zoning districts as well as residential development in mixed use structures. The purpose was to include those residential uses in those mixed use districts. There would not be a mixed use in the RA and RR zoning districts, so those would be land development issues, not subdivision issues. The language should remain as it is.

Mr. Pytel made a motion to authorize advertisement for public hearing for the Parkland Fee in Lieu Ordinance Amendment. Mr. Miller seconded the motion. The motion passed unanimously.

5. DRAFT AIRPORT OVERLAY ZONING REGULATIONS

Act 164 of 1984, known as the Aviation Code, required municipalities with airports or located near airports to adopt airport hazard zoning regulations. Recently PADOT conducted workshops for municipalities to assist them in meeting the airport zoning requirements established under the Act. The purpose of these regulations is to eliminate hazards and restrict structure heights within the approach and takeoff areas of the airport. Ferguson Township has a very small portion within one of these zones for University Park Airport.

Ms. Lang said the impact on Ferguson Township is extremely limited. Only one small corner of the Township will be impacted. She provided an overview of the regulations. Jeff Ressler, Zoning Administrator, used the model ordinance to make necessary revisions to fit the regulations into the Township's zoning ordinance with regard to changes in definitions, etc. Beyond that they do not have much control over this.

Mr. Heinsohn made a motion to authorize advertising for public hearing the Airport District Overlay Ordinance. Mr. Pytel seconded the motion. The motion passed unanimously.

6. TERRACED STREETSCAPE DISTRICT ORDINANCE

This ordinance has incorporated the final determination by the Board on all matters that have been discussed over the course of the past four months. The final draft provides an opportunity for the Board to read and review the changes as an entire document. If Board members are satisfied with the final draft, they have options to: a) authorize the final draft to be advertised for public hearing; b) refer the final draft to the Planning Commission for comment and recommendation; or c) continue with further amendments. Note: The Design Guidelines would need to be adopted in the Subdivision and Land Development Ordinance. This would provide the Board the flexibility to grant modifications if conditions warranted, versus the Guidelines being included in the Zoning Ordinance where a variance would be required.

Ms. Lang said they have amended the provisions that have been in draft form to incorporate all of the Board's comments. She noted an error she made on Page 4 of the text – 55 feet should be changed to 60 feet where it states that "the maximum height of parking structures is 55 feet."

Joe Beddall, 1100 W. Beaver Avenue, expressed his displeasure with the fact that after several work sessions that residents attended, not much has changed with the proposed ordinance. Specifically he is concerned about building heights. The setbacks and building heights seem aesthetically displeasing. He sees no reason why this needs to be done at this point. He does not believe this is the answer to problems perceived in the Township. He believes it will lower property values and eventually drive out property owners. He does not see the proposed ordinance accomplishing the Board's intents.

John Simbeck, 117 Delaware Road, PA Furnace, agreed that very little has changed with this zoning since he saw the original proposal. He does not like anything done to take a tax base and turn certain businesses into prohibited uses within an area. Large buildings next to older homes do not mix well. He believes all properties along this corridor will be University owned within the next ten years.

Ray Caravan, owner of the Winston Building and another property behind it. He is astonished at how long this process has taken. The delay has cost his family a lot of money. They have very little income due to this process, which has denied them the opportunity to sell or rent out their property. He encouraged the Board to move the process along and consider a couple of items. There has been a lot of discussion about the height restriction. The Winston Building is already over 80 feet tall. He believes the plans proposed were wonderful. He does not see anything proposed in the ordinance that is detrimental to the Township or to the citizens. He believes the proposed ordinance is more restrictive than he would like it to be.

Christine Bailey, 115 N. Butz Street, provided one example of how absurd they feel the proposed ordinance is. Developers will be allowed to build on Township property. She expressed particular concern about setbacks. She said it would be nice for the source to be noted the first time a reference is made.

Ms. Lang said with a setback the property is not PADOT's property; it belongs to the property owner. The deeds usually read to the center line or to the edge of the right of way. They have preserved the 60 feet that is PADOT's right of way.

Rhonda Stern, 119 N. Butz Street, is disappointed that nearly all citizen input has been rejected. She does not understand 5 foot setbacks on the side of a building. She believes the plan as proposed will lead to congestion and crowding. She believes prices will be prohibitive for middle class people. She is not sure what the Board's vision is. She inquired about road studies. They had requested these but have not received any concrete answers. She believes more research needs to be done on traffic in this area. Ms. Lang said if a land development plan meets the thresholds, a traffic study would be completed. A study cannot be completed until a land development plan is submitted.

Mr. Heinsohn acknowledged the hard work of Mr. Killian and Ms. Lang. He believes the proposed ordinance is unnecessarily dictatorial. The Township is an auto-based community, so proposing an ordinance that is designed to discourage autos is foolish. The proposed ordinance reflects land values of the district that warrant its development in an orderly fashion to generate increased tax revenue. The heights and geometry of buildings are in conformance with buildings intended in the future all along W. College Avenue, tall signature buildings on street corners he believes will be attractive assets.

The Board has made a serious effort to preserve the civility and tranquility of homes on W. Beaver Avenue by restricting the height of future buildings to 3 stories in the alleys and creating a vegetative buffer along one side of the alley between new and existing buildings. The parking requirements of one parking space for residential apartments containing one bedroom is inadequate and unappealing to prospective renters. He believes this requirement should be changed. Incentives to build taller buildings are either giveaways to developers or unachievable.

However, Mr. Heinsohn believes the draft ordinance should be presented to residents at a public hearing in the near future. In particular, incentives designed to encourage workforce and age-restricted housing are incomplete since the qualifications for this housing are not defined. Furthermore, the ordinance omits specifying agents responsible to enforce compliance. Without enforcement these incentives for tall buildings are absurd. The incentives to allow developers to build taller buildings imposes a very small burden on developers, but the incentives provide no benefit to Township residents. Thus, residents can

expect corner buildings to become 75 foot buildings. He will support the ordinance in spite of his reservations, but will oppose the ordinance when it finally comes to vote unless: a) the terms "workforce

housing” and “age-restricted housing” are defined within the ordinance; and b) the agent empowered to ensure compliance with these definitions is included and identified in the ordinance.

Mr. Killian said workforce housing is defined. Ms. Lang agreed but said the definition for age-restricted housing could be expanded.

Mr. Pytel expressed concern about parking requirements for apartment buildings. He does not believe it is realistic to include such a small number of parking spaces. He does not believe there should be less than two parking spaces allotted for a two bedroom apartment.

Mr. Keough said if in five years they would have complete buildout, his approach to the planning of the TSS district would be quite different. He said the parking and transportation issue was an item of concern from the beginning. There may come a time as this area is developed out that some parking requirements will need to be adjusted. The private sector will be making the investments, and they do not currently have a list of people ready to build this out. Some of those issues regarding parking and transportation will need to remain unresolved for now.

Mr. Miller said this draft has changed rather significantly since this process began, and all of the changes have stemmed from public comment. He responded to the concern about parking. A *minimum* amount of parking is included for apartments, not a maximum. He believes those concerns will be worked out as developers plan apartment structures. Mr. Pytel believes the stated parking requirement is too small to start with. Mr. Heinsohn agreed. Mr. Miller and Mr. Keough believe the numbers are fine as they are. Mr. Keough said if developers build parking, people will come. Mr. Killian agreed that the numbers are fine the way they are.

Mr. Miller made a motion to authorize for advertisement a public hearing of the final draft of the Terraced Streetscape Disitric Ordinance, including the Design Guidelines. Mr. Heinsohn seconded the motion. Mr. Kunkle said there will be two ordinances, one for Chapter 27 of the Zoning Ordinance (TS District Ordinance), and one for Chapter 22 of the Subdivision and Land Development Regulations (Design Guidelines). There will be greater flexibility to modify the Design Guidelines by the Board if it is located in Chapter 22. There will be an official public hearing after advertisement of the proposed ordinance. The motion passed unanimously.

7. REAL ESTATE TAX REFUND FOR CHRISTOPHER J. AND KAREN M. CAMPBELL

Mr. Kunkle said there was a mathematical error on behalf of the assessment office in the duplicate relative to property owned by Christopher and Karen Campbell for tax years 2008, 2009, and 2010.

Mr. Miller made a motion to authorize a refund in the amount of \$247.41 to Christopher J. and Karen M. Campbell for property located at 281 Sunday Drive, State College, PA, tax parcel number 24-745-014. Mr. Heinsohn seconded the motion. The motion passed unanimously.

8. CONSENT AGENDA

A. Time Extension Request

1. Foxpointe Phase 11 Final Subdivision Plan

B. Pay Requests

1. Dincher & Dincher Tree Surgeons in the amount of \$12,252.00 – Contract 2010-C16
2. HRI, Inc. in the amount of \$231,747.10 – Contract 2010-C1
3. HRI, Inc. in the amount of \$209,121.64 – Contract 2010-C2
4. Asphalt Paving Systems, Inc. in the amount of \$17,633.90 – Contract 2010-C9

C. Surety Release

1. Saybrook – Phase 7

D. Surety Reductions

1. Saybrook – Phase 8
2. Hunters Chase – Phases 4 & 5

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

VII. REPORTS

a. Manager

- He provided a report showing the returning members and the vacancies on the Authorities, Boards, and Commissions for 2011. The Board should consider appointing an ABC Review Committee to interview and recommend individuals to the vacancies.
- In reviewing the Township's web site and Constant Contact registry there are 154 email addresses signed up for notices about a variety of informational issues. Since his last report to the Board this has grown by 30%. Web site visits to the Home Page totaled 8,806 visits in the past 60 days.
- The Westfield Subdivision south stormwater detention basin has been repaired and invoices from the consultant and contractor have been submitted. Staff will be preparing invoices to the property owners that will be sent later in the month but prior to the beginning of next year. Mr. Keough commented that the detention basin seems to be operating properly, during and after stormwater events.

b. Public Works Director

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

Whitehall Road Widening: A meeting is scheduled for December 7, 2010 with PADEP, Trans Associates, Ferguson Township officials and staff, and other representatives to discuss stormwater design criteria and the effect any change to the design may have on the project. A revised sketch showing the realignment of the "S" curve all to the south on the property of Mr. Kocher has been prepared by Trans Associates at the direction of staff as requested by Mr. Kocher and Mrs. Campbell.

Old Gatesburg Road Extension: Construction work on this project will begin in the spring.

Westfield South Basin Sinkhole Remediation: Remediation by H&R Construction is complete. Converse submitted a field report. Based on field view on December 1st, the basin is functioning adequately.

c. Director of Planning and Zoning

Ms. Lang reported that the Planning Commission did not hold a meeting on November 22, 2010 due to the holiday and the lack of plans prepared for action by the Commission. The last meeting of the year will be held on December 7, 2010. In her next report to the Board, she will provide information on the status of various phased projects in the Township, as well as a summary of the permits approved for 2010.

d. COG Committee Reports

1. *Subcommittee of Environmental Committee* – Mr. Heinsohn said they met to prepare for the COG and the General Forum a draft proposal.
2. *MPO* – Mr. Pytel said he brought up the budget and the charges. They would like Ferguson Township to make a request in writing. Mr. Pytel said either they will need to have a weighted vote or have something that states that a vote is weighted at a certain price. He explained this in further detail. He believes Ferguson Township is paying too much money for its share.
3. *Transportation & Land Use* – Mr. Pytel said the COG Economic Development Report has farms listed as open space, not industry. Ferguson Township would like to see that changed.
4. *Public Safety* – Mr. Keough said they are not meeting this month, but staff is working toward preparing the RFP for the municipal software issues, especially related to codes.

VIII. MINUTES

Mr. Pytel made a motion to approve the November 15, 2010 BOS Regular Meeting minutes. Mr. Heinsohn seconded the motion. The motion passed unanimously.

IX. ADJOURNMENT

With no further business to come before the Board of Supervisors, Mr. Killian adjourned the December 6, 2010 Regular Meeting at 9:49 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 01-03-2011