

## **FERGUSON TOWNSHIP BOARD OF SUPERVISORS**

Regular Meeting  
Monday, November 21, 2011  
7:00 pm

### **I. ATTENDANCE**

The Board of Supervisors held its second regular meeting of the month on Monday, November 21, 2011 at the Ferguson Township Municipal Building. In attendance were:

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

**Staff:** Mark Kunkle, Township Manager  
Ron Seybert, Township Engineer  
Trisha Lang, Director of Planning & Zoning

Others in attendance included: Christina Spackman, Recording Secretary; Matt Harlow, ELA Group, Inc.; Mike Glass, Dana Glass Properties; Keith Cooper, Dana Glass Properties; Dave and Barb Hill; Tim Henderson; Richard and Jeanne Haefrer.

### **II. CALL TO ORDER**

Mr. Pytel, Chairman, called the November 21, 2011 regular meeting to order at 7:00 p.m.

### **III. CITIZEN'S INPUT**

No citizen input.

### **IIII. PUBLIC HEARINGS - ORDINANCES**

#### **1. A PUBLIC HEARING AN ORDINANCE AMENDING THE FERGUSON TOWNSHIP CODE OF ORDINANCES CHAPTER 24 TAXATION, SPECIAL, PART 1 EARNED INCOME AND NET PROFITS BY REPEALING PART 1 EARNED INCOME AND NET PROFITS IN ITS ENTIRETY AND ADOPTING A NEW PART 1 LEVYING A TAX ON EARNED INCOME AND NET PROFITS; REQUIRING TAX RETURNS; REQUIRING EMPLOYERS TO WITHHOLD AND REMIT TAX; AND RELATED PROVISIONS**

Mr. Kunkle stated that the Act 32 of 2008 changed the method of earned income and net profits tax collection for all municipalities across the Commonwealth. The intent of the new law is to consolidate the earned income tax collection procedures in one office in each county, with an implementation date of January 1, 2012. Across the county, all the municipalities are readopting their earned income and net profits tax ordinance. The Solicitor recommended making the ordinance uniform with the Act 32 of 2008.

Mr. Miller made the motion to approve the Earned Income and Net Profits ordinance; Mr. Heinsohn seconded the motion. Ordinance number 957 was passed by roll call vote: Mr. Heinsohn-YES; Mr. Keough-YES; Mr. Killian-YES; Mr. Miller – YES; Mr. Pytel-YES.

2. **A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES AS FOLLOWS: (1) APPENDIX H, STREETS AND SIDEWALKS, BY ACCEPTING AS PUBLIC STREETS THE FOLLOWING: (A) A SECTION OF OLD GATESBURG ROAD AND (B) A SECTION OF PINE HALL ROAD; AND (2) CHAPTER 15, MOTOR VEHICLES, PART 2, TRAFFIC REGULATIONS, AS FOLLOWS: (A) SECTION 201, MAXIMUM SPEED LIMITS ESTABLISHED ON CERTAIN STREETS, BY: (I) ESTABLISHING A 30 M.P.H. SPEED LIMIT ON OLD GATESBURG ROAD BETWEEN SCIENCE PARK ROAD AND BLUE COURSE DRIVE AND (II) ESTABLISHING A 35 M.P.H. SPEED LIMIT ON PINE HALL ROAD FROM SCIENCE PARK ROAD TO OLD GATESBURG ROAD AND (III) DELETING THE 25 M.P.H. SPEED LIMIT ON PINE HALL ROAD BETWEEN SCIENCE PARK ROAD AND THE EXISTING CUL-DE-SAC; (B) SECTION 205, TRAFFIC SIGNALS AT CERTAIN LOCATIONS, BY ADDING A TRAFFIC SIGNAL AT THE INTERSECTION OF BLUE COURSE DRIVE AND OLD GATESBURG ROAD; (C) SECTION 208, ROTARY TRAFFIC ISLAND ESTABLISHED, BY ADDING AN ISLAND OR BARRIER ON OLD GATESBURG ROAD AT ITS INTERSECTION WITH PINE HALL ROAD; (D) SECTION 215, YIELD INTERSECTION ESTABLISHED, BY ESTABLISHING YIELD INTERSECTIONS AT THE FOLLOWING LOCATIONS: (I) PINE HALL ROAD AND A CIRCULATORY ROADWAY (NORTH), (II) PINE HALL ROAD AND CIRCULATORY ROADWAY (SOUTH), (III) OLD GATESBURG ROAD AND CIRCULATORY ROADWAY (EAST) AND (IV) OLD GATESBURG ROAD AND CIRCULATORY ROADWAY (WEST).**

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Mr. Heinsohn made a motion to approve the ordinance Accepting Public Streets and Sidewalks on Old Gatesburg Road and establishing motor vehicle regulations. Mr. Killian seconded the motion. Ordinance number 958 was passed by roll call vote: Mr. Heinsohn-YES; Mr. Keough-YES; Mr. Killian-YES; Mr. Miller – YES; Mr. Pytel-YES.

#### **IV. PUBLIC HEARINGS**

#### **V. PUBLIC HEARINGS – RESOLUTIONS**

#### **VI. COMMUNICATIONS TO THE BOARD**

Mr. William Keough said that he heard from Cathy Braiser about the Township survey and that she stated that it looks like they will have all the raw data by December and that they are just shy of a 50% response rate, which is great for mail survey.

Mr. Pytel said that he received a letter concerning a sewer question. The question was in regard to payment of sewer if the property is vacant; they believe that it is an unfair practice to bill the owner of a vacant residence. Mr. Pytel advised the owner that they were receiving a sewer bill because capacity for the sewer was available. If a property owner were to disconnect from the sewer and then be required to pay a tap fee every time, it would be a greater cost. He recommended paying the monthly bill, since it would be less expensive.

Mr. Pytel also received a letter from the Boy Scouts recognizing Nathan Rhoads as an Eagle Scout. His project involved the creation of two baseball dugout to be used by the State College Little League at the Ferguson Township Lions. The honor will be held on December 17<sup>th</sup> and Mr. Pytel will be attending and he invited the rest of the Board as well. He feels that the Board should send a certificate of recognition to Nathan Rhoads, it seemed that everyone was in agreement with the certificate.

## **VII. ACTION ITEMS**

### **1. TURNBERRY TTD GENERAL MASTER PLAN REVIEW**

Mr. Matt Harlow presented the Turnberry TTD General Master Plan for review by the Board.

The Turnberry plan was first presented on June 29, 2010. As of now, there are 891 units, which has decreased from the original plan of 1016 units and made due to modifications to the plan.

Mr. Keough wanted to know what they are doing in regard to the traffic on Knob Hill Road. Mr. Harlow stated that Knob Hill Road right now intersects at an odd angle to Circleville Road. They are looking to intersect Knob Hill perpendicular with a new roadway that intersects with Circleville Road at a more desirable angle for sight distance. This will create a better intersection and they have a right turn lane coming into the intersection. Mr. Harlow stated that they did a speed study to make sure that they had adequate sight and stopping distance.

Connections between Turnberry and Pine Hall has two options to connect. One is to create a round-about, the second is to create a "T" intersection.

Mr. Keough wanted to know where the workforce housing will be and if it will be throughout the development. Mr. Harlow said that the workforce housing is spread out throughout the development. Almost half of the workforce housing will be up in Phase 2.

Mr. Keough had some questions on what passive and active recreation there will be in the Turnberry plan. Mr. Harlow stated that with Penn State requiring the conservation easement, there is a lot of passive recreation ; one being, a significant bike trail network that will tie into the Circleville /Tudek Bikeway. There will be bike lanes and walking paths throughout the development, as well as sidewalks connections.

There will be other active recreation throughout the development (which is represented by white spaces.) Such as community centers in each of the villages available for the residents. Community rooms generally have meeting rooms, office space, fitness rooms, and swimming pools. The pool will be similar in size as to one found at a hotel; Mr. Pytel had some concerns on the pool and access to the pool; hazardous for kids and other people to access. Mr. Harlow said they are working on adding retaining walls, fence and landscape to deter any unwanted visitors and users of the pool.

Mr. Keough wanted to look at parking; he'd like to see less black asphalt parking spaces. He suggested that as the plan is developed the phases, perhaps the developer could look into structured parking. Mr. Harlow stated that they would like to avoid parking problems of events and guests. Mr. Keough also had some concerns on the alleys and rear access width and intended uses as well.

Mr. Todd Smith said that they have performed traffic studies with three different scenarios. Unfortunately, every time there's a modification, the studies have to be remodeled and updated. The three scenarios are:

1. Two accesses on Blue Course Drive
2. No access on Blue Course Drive and only one access onto Circleville Road
3. Access onto Circleville Road and two onto Blue Course Drive

Currently the developer has added the Circleville connection, and his traffic engineer is remodeling to update all of the impacts and all the improvements throughout the whole study area. The revised study should be done early December and then submitted to the Board.

Mr. Killian believes that this is an important process in the development. Once the study is complete, the Board will then be able to review and comment on the traffic study.

Mr. Heinsohn stated that he had some concerns with regard to the residents and that the plan disregards the current residents in neighboring neighborhoods, such as Greenleaf Manor and the proximity of the Turnberry plan. He has some concern of the width of the alleys, that they are too narrow to accommodate automobiles, trucks, trash trucks, and emergency vehicles. He also believes that the houses are too densely packed and too small. He stated that the plan is deceptive and he believes that this plan is a slum in progress.

Mr. Pytel has some concerns on the bike paths and their location within the flood plain and the potential for water drainage. Mr. Harlow said the bike paths are just like the ones constructed for the Circleville/Tudek Bikeway and will be constructed with asphalt. Mr. Pytel wanted to know how they will be stabilized from washing out. Mr. Harlow responds they are planning to reinforce the edges of the bike paths to present wash outs.

Mr. Harlow stated that there will be room for natural gas lines in response to Mr. Keough's question. There will be underground utilities throughout the development.

Mr. Miller stated that he liked the plan and that it addresses what the Board had in mind when they wrote the TTD ordinance.

Mr. Dave Hill, resident from Greenleaf Manor was wondering if there was in area of rentals in the Turnberry TTD. Mr. Harlow responds that all the larger units will be rentals; and the surrounding units will have to be sold or available to be sold. The concern being that who is going to live there, who they are marketing to; will it be students, what price range are they building, what parking will be provided? Mr. Harlow will look into landscaping and putting up grades to deter on street parking.

Mr. Tim Hendersen, resident of Greenleaf Manor, living on Tanager Drive. Would like to know of the Board's concern on the impact on Greenleaf Manor? Mr. Miller stated that this is a different type of development to neighboring developments. He doesn't believe that it will lead to a decline in neighboring property values. He believes that this development will be a positive addition to the Township.

Ms. Arlene Prass, just wanted to thank the Board, that they have taken a positive action and have listened to their comments and concerns.

## **2. OCTOBER 2011 VOUCHER REPORT**

Mr. Killian made a motion to approve the October 2011 Voucher Report. Mr. Heinsohn seconded the motion. The motion passed unanimously.

## **3. CONSENT AGENDA**

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

## **VIII. REPORTS**

### **1. Manager**

#### **a. Upcoming Agenda Items**

Cindy Hahn rescheduled for December 12<sup>th</sup> and will be talking about the CNET sponsorship. The 2012 proposed township budget presentation will be on December 5<sup>th</sup>, as well as the Park Crest Lane Parking Restrictions ordinance.

#### **b. Re-districting for State Representatives**

Mr. Kunkle said that the legislature has been working on redistricting state representatives within Ferguson Township. Within the proposed redistricting, Ferguson Township will have three representatives, 77<sup>th</sup>, 81<sup>st</sup>, and 171<sup>st</sup>.

#### **c. Reapportion the Wards**

Mr. Kunkle said under the Home Rule Charter, under each census there has to be a recalculation of the wards within the Township. Need to configure the wards so they are equally

split and represented equally. Mr. Kunkle asked if the Board had a preference in preparing the re-districting?

Mr. Keough would like Mark to follow up with the county election board to coordinate the wards with the voting precincts. Mr. Kunkle will have the Staff prepare a proposal to be presented to the Board for a decision.

## **2. Director of Public Works**

Dave Modricker, Director of Public Works was not in attendance.

## **3. Director of Planning and Zoning**

Ms. Trisha Lang reported on the Planning Commission meeting, the first thing on that agenda was the Turnberry TTD and the Planning Commission felt comfortable moving that forward to the Board tonight.

## **4. Chief of Police**

Diane Conrad, Chief of Police was not in attendance to comment. Mr. Keough mentioned that the new format of the patrol information was fine and easily readable.

## **5. COG Committee Reports**

No COG Committee Reports.

## **IX. CALENDAR ITEMS – NOVEMBER/DECEMBER**

Mr. Pytel requested Board members to please fill out Township Manager evaluation and have them back by December 5<sup>th</sup> or before.

## **X. MINUTES**

### **1. November 7, 2011 BOS Regular Meeting Minutes**

Mr. Killian made a motion to approve the November 7, 2011 BOS Regular Meeting Minutes. Mr. Heinsohn seconded the motion. The motion passed unanimously.

## **XI. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Mr. Pytel adjourned the November 21, 2011 Regular Meeting at 9:13 p.m.

RESPECTFULLY SUBMITTED,

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Mark Kunkle, Township Manager  
For the Board of Supervisors  
Date approved by the Board: 12/05/2011