

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, December 10, 2012
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, December 10th, 2012 at the Ferguson Township Municipal Building. In attendance were:

Board: George Pytel, Chairman
Richard Mascolo, Vice Chairman
Elliott Killian
Bill Keough
Andrew Clemson

Staff: Mark Kunkle, Township Manager
Trish Lang, Director of Planning & Zoning
Dave Modricker, Director of Public Works
Dave Pribulka, Asst. Township Manager

Others in attendance included: Barbara Donnini, Recording Secretary; Lou Brungard; Phil Clarke; David Palmer; Roxie Nestlerude; Joe Grerardi; Rod Stahl; Charles Driscoll; Dan Sieminski; Ed Alberta; John Gardele; Trish Meek; Deanna Nardoza; John Gondatz, Dick Anderson.

II. CALL TO ORDER

Mr. Pytel called the December 10, 2012 regular meeting to order at 7:00 pm.

III. PUBLIC HEARINGS – ORDINANCES

1. **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF FERGUSON TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA CHAPTER 27, ZONING AS FOLLOWS: (1) PART 2 DISTRICT REGULATIONS, SECTION 204, USE REGULATIONS; (2) PART 3 RURAL DISTRICTS, SECTION 301 RURAL AGRICULTURAL DISTRICT, TABLE 301; SECTION 302, RURAL RESIDENTIAL DISTRICT, TABLE 302; SECTION 303 AGRICULTURAL RESEARCH DISTRICT, TABLE 303; (3) PART 4, RESIDENTIAL DISTRICTS, SECTION 401 SINGLE FAMILY RESIDENTIAL DISTRICT, TABLE 401; SECTION 401A SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT, TABLE 4041A; SECTION 402 TWO-FAMILY RESIDENTIAL DISTRICT, TABLE 402; SECTION 403 TOWNHOUSE RESIDENTIAL DISTRICT, TABLE 403; SECTION 404 MULTIFAMILY RESIDENTIAL DISTRICT, TABLE 404; SECTION 405 VILLAGE DISTRICT, TABLE 405; SECTION 407 PLANNED RESIDENTIAL DISTRICT; (4) PART 5 COMMERCIAL DISTRICTS, SECTION 501 OFFICE COMMERCIAL DISTRICT, TABLE 501; SECTION 502 GENERAL COMMERCIAL DISTRICT, TABLE 502; (5) PART 6 INDUSTRIAL DISTRICT, SECTION 601 GENERAL INDUSTRIAL DISTRICT, TABLE 601; SECTION 602 LIGHT INDUSTRY RESEARCH AND DEVELOPMENT, TABLE 602; (6) PART 8 SUPPLEMENTAL REGULATIONS, SECTION 801 FLOOD PLAIN CONSERVATION AND SECTION 809 OFF-STREET PARKING AND LOADING REGULATIONS; AND (7) PART 12 DEFINITIONS SECTION 1202 DEFINITIONS**

Ms. Lang explained that this will revise the zoning ordinance in order to create places of assembly, with a variety of levels and uses. She said that this proposal has been under review for several months, and that it has received much attention in courts. Ms. Lang provided the Board with an article that discusses a watch group which provides suggestions regarding how to be in compliance with the law. She believes that their checklist is a good summary of her proposed new ordinance for Ferguson Township. Ms. Lang said that a new definition was created, as well as three categories: neighborhood, community, and regional. Also, locations were identified where each type of assembly is appropriate. Ms. Lang said that civic or faith based, as well as business-based entities, were included. She said that although this touches many sections of the zoning ordinance, the concept is the same and it groups items together and stratifies them according to impact.

Mr. Keough asked if the adoption of this ordinance will allow the future construction of the regional park and Parks and Recreation Maintenance Facility, as well as any other sports related structures. Ms. Lang said that until she sees the plan she can't know for certain, but the ordinance is anticipated to permit projects of that size. She said the limitation is something like 100,000 square feet. Ms. Lang said that in preliminary discussions with people involved in the park creation, nothing was identified that would prevent the park from moving forward. She said there aren't many details available about the maintenance building, but the use is no longer an issue.

Mr. Keough asked why item number 6 appears in Table 303, Exhibit C in the Ag Research district, but not in the RR or RA districts. Ms. Lang said that this is how the ordinance was already written, and has nothing to do with the proposed changes. Mr. Keough asked if she knows why it was written that way, and Ms. Lang said that she can only guess, since she was not here when it was composed. She said that her assumption is that it's not really a use, but that farming is a use, and it is part of farming.

Mr. Mascolo made a motion that the Board adopt the ordinance amending Chapter 27 by adding regulations regarding places of assembly. Mr. Killian seconded the motion.

Mr. Kunkle announced that this is ordinance 973. ROLL CALL VOTE: Mr. Clemson – YES; Mr. Keough – YES; Mr. Killian – YES; Mr. Pytel – YES; Mr. Mascolo – YES. Ordinance # 973 passed unanimously.

IV. PUBLIC HEARINGS – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, ADOPTING THE BUDGET FOR THE FISCAL YEAR 2013, BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2013.

Mr. Kunkle said that preparation of annual budget is a team effort. He said that the Board has conducted two work sessions in order to review and modify the budget. He said that at the December 3rd meeting, the Board approved a tentative budget. Mr. Kunkle expressed his appreciation to the Board for their guidance, advice, and diligence in reviewing budget as prepared by staff. He also thanked department heads Mr. Modricker, Chief Conrad, Ms. Lang, and Mr. Endresen, for developing the budget.

Mr. Kunkle reviewed highlights of the proposed budget. The budget is available on the Ferguson Township website by clicking "Departments" then "Finance and Tax" and then "Budget Information."

Key points include that the approved budget does not propose any tax increases for the fifth consecutive year. General Fund revenue growth is projected at the 1.25% growth rate while expenditures are projected to decrease by 0.82%.

As far as the overall budget, which includes all funds, revenues are projected to be down 14.2%, mainly due to reduced grant funding, while expenditures are projected to increase by 3.02%. The \$20,717,273 budget includes 41% or \$8,538,940 for capital projects and equipment and of that total \$4 million is anticipated to be expended for Whitehall Road widening and reconstruction project.

The budget includes a wage increase of 2% for non-uniformed employees and 3% for police. The addition to staff of a police patrol officer and an assistant community planner.

Mr. Mascolo made a motion that the Board adopt the resolution approving the 2013 Township Budget. Mr. Killian seconded the motion.

ROLL CALL VOTE: Mr. Clemson – YES; Mr. Keough – YES; Mr. Killian – YES; Mr. Pytel – YES; Mr. Mascolo – YES. Resolution #2012-24 passed unanimously.

2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA LEVYING TAXES AND ASSESSMENTS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2013.

Mr. Kunkle said that this is the resolution establishing the taxes and assessments for the fiscal year beginning January 1, 2013. He said there are no changes, but that real estate taxes remain at 2.422 mils; real estate transfer tax remains at 1.25% of consideration amount; the earned income tax remains at 1.4%; and the local services tax remains at \$52 per person, \$5 of the \$52 tax are retained by the State College Area School District (SCASD). The streetlight assessment remains at 40 cents per front foot and the fire hydrant assessment remains at 6 cents per front foot.

Mr. Killian made a motion to adopt the resolution levying taxes and assessments for the fiscal year beginning January 1, 2013 and ending December 31, 2013. Mr. Mascolo seconded the motion.

ROLL CALL VOTE: Mr. Clemson – YES; Mr. Keough – YES; Mr. Killian – YES; Mr. Pytel – YES; Mr. Mascolo – YES. Resolution #2012-25 passed unanimously.

3. A PUBLIC HEARING ON A RESOLUTION AMENDING THE 2012 TOWNSHIP FEE SCHEDULE BY ESTABLISHING A NEW FEE SCHEDULE FOR 2013.

Mr. Pribulka said that at last presentation, several clarifications were requested by Board. They include:

- application of health inspection services on certification of food establishment employees – Currently, the \$60 fee represents Health Inspector Kevin Kassab's rate to proctor a ServSafe exam to certify food establishment employees. Food establishment employees can take this exam online, but PA state law requires that the exam be administered and proctored by a sanitation supervisor. Furthermore, clarification was requested regarding the type of food establishment employee. Currently, nonprofit organizations such as churches are offered a course called, "Cooking for Crowds." This is offered at a reduced rate, and Mr. Kassab suggested that we do not include this in our fee schedule as the cost is minimal and there is no municipal involvement. Mr. Kassab also added that the course has been very popular with regional nonprofits.
- what a facility plan review fee covered and how it was different from the annual licensing and inspection fee – The facility plan review fee includes administrative costs associated with reviewing a plan for a new establishment or remodel in a change of ownership. These costs include reviewing plans and equipment cut sheets, discussing changes with owners if necessary, reviewing revisions, sending letters, and making phone calls. Once this portion is complete, the annual licensing fee applies, which includes the costs of one inspection and one re-inspection. In short, these are separate processes, and there currently is no fee instituted to cover the administrative costs associated with facility plan reviews for new establishments or change of ownership.
- clarification of Sewage Enforcement Officer fee increases - Charles Herr, the Township's SEO, has expressed that he is unable to maintain his current fees due to rising business expenses. These include general liability and automobile insurance, healthcare costs, office supplies, and fuel. Mr. Herr also expressed that his fees have remained stable over the years, and many are still lower than they were in 2009.

- clarification of sewage management program fees - Updates to this fee schedule have been made in accordance with Board recommendations, including adding language related to on-lot septic system pumping requirements, and other minor revisions. It was determined that Centre Region Code Agency (CRCA) is responsible for walkover inspections for on-lot septic systems. However, in some circumstances, such as experimental system or drip irrigation inspections, the SEO is asked to conduct the inspections. As a result, the fees charged by the SEO for inspection services are included in the fee schedule, as well, along with a brief narrative explanation on when those fees may apply.

Mr. Pribulka continued, saying that were a few minor revisions made to the fee schedule:

- On page 3 of 13, at the bottom, the cost of solid waste fees payable to Veolia has increased. So have recycling fees.
- On following page, there are added fees under the online septic management section. This is to clarify that because when the process is completed, it is done by an enforcement officer who charges a higher rate than the agency that usually finishes the work.
- On page 12, under "other code fees," this now reflects what the Centre Region Code Agency charges, which is less than the Sewage Enforcement Officer's charge.

Mr. Keough announced that the \$7,500 fee associated with the fire suppression underground water storage tank is under discussion by the Board, and will most likely result in a revision to the process.

Mr. Killian made a motion that the BOS accept the 2013 Fee Schedule. Mr. Clemson seconded the motion.

ROLL CALL VOTE: Mr. Clemson – YES; Mr. Keough – YES; Mr. Killian – YES; Mr. Pytel – YES; Mr. Mascolo – YES. Resolution #2012-26 passed unanimously.

4. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ADOPTING A REVISED COMPENSATION PLAN FOR NON-UNIFORMED EMPLOYEES WITH AN EFFECTIVE DATE OF JANUARY 1, 2013.

Mr. Kunkle said that a salary and compensation study completed in 2005, and the consulting group recommended adoption of a wage and salary schedule for each class of employee. These wage ranges were suggested to be adjusted on an annual basis by the Board-approved cost of living increase. Mr. Kunkle said that in 2012 the Board approved a 2% cost of living increase.

Mr. Killian made motion to adopt the resolution revising the compensation plan for non-uniformed employees with an effective date of January 1, 2013. Mr. Keough seconded the motion.

Mr. Pytel clarified that this is not an increase in salaries, only an increase in the range of values an employee can achieve through merit increase from performance evaluations. This is done so that the Township doesn't have to pay someone every year to evaluate the ranges.

ROLL CALL VOTE: Mr. Clemson – YES; Mr. Keough – YES; Mr. Killian – YES; Mr. Pytel – YES; Mr. Mascolo – YES. Resolution #2012-27 passed unanimously.

5. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, ESTABLISHING CONTRIBUTIONS TO THE POLICE PENSION FUND BY MEMBERS.

Mr. Kunkle said that annually, in accordance with Act 600, the Board of Supervisors is required to establish a contribution rate, for members of the Police Pension Plan. He said that 5% of the base salary is the maximum authorized under Act 600, and is required due to the past years performance of the fund, particularly in years 2008/2009, requiring substantially more member contributions as well as municipal contributions to the plan in order to keep the plan actuarially sound.

Mr. Mascolo made motion to adopt the resolution to require a pension member contribution at 5% of base salary. Mr. Killian seconded the motion.

ROLL CALL VOTE: Mr. Clemson – ABSTAIN (as a retiree of the pension plan); Mr. Keough – YES; Mr. Killian – YES; Mr. Pytel – YES; Mr. Mascolo – YES. Resolution #2012-28 passed 4-0-1.

V. PUBLIC HEARINGS - OTHER

1. A PUBLIC HEARING ON A REQUEST TO REVISE THE PHASING SCHEDULE FOR TURNBERRY TRADITIONAL TOWN DEVELOPMENT, PHASES TWO AND THREE

This Public Hearing was moved to the January 7 meeting at the request of the applicant.

Mr. Anderson said that it has come to his attention that the developer is constructing a drainage ditch, which runs along the rear of the properties. In some areas, he claimed it is fairly deep and steep. Mr. Anderson said that he believes this is a safety hazard, and that children playing in the back yards may be in danger. Mr. Anderson suggested that the Board consider this, and a concern about parking. He said there is limited parking in Turnberry, and that he anticipates an issue parking on streets directly accessible to Turnberry by going through his neighborhood – Greenleaf Manor.

2. A PUBLIC HEARING ON ALTERNATIVE SIGNAGE REQUIREMENTS FOR THE PINE HALL TRADITIONAL TOWN DEVELOPMENT

Ms. Lang said that normally this concern would be heard by the Zoning Hearing Board, but because of TTD regulations, there are criteria laid out that allow the developer to offer an alternative to certain requirements in the ordinance.

Ms. Lang explained that the developer wants to install a sign on the building that is significantly larger than the size permitted by the TTD ordinance.

Ms. Lang said that the ordinance was written mostly for buildings that would be found on a Main Street. However, this building is in a different location, has a different size than the typical Main Street business, and is of higher complexity. She said that the building face is larger than anticipated, and there are multiple facades to the building, multiple tenants and multiple entrances. Ms. Lang said that staff supported the alternative design.

Ms. Lang said that a smaller sign wouldn't be practical for identifying the building from the road, and that the proposed sign is proportional to the building face. She said that identification is particularly important as this building will be serving emergency vehicles.

Ms. Lang said that the Planning Commission was concerned not about the sign size, but about the

information presented on the sign. She said they felt that "Blue Course" should be changed to "Pine Hall" or "Old Gatesburg," as these more accurately describe the location.

Mr. Mascolo thought Blue Course was more descriptive. Mr. Pytel and Mr. Clemson agreed it would be easier to find.

Mr. Killian asked how this size compares to the commercial zone signage regulations. Mr. Kunkle said that the max size of a ground sign is 32 sq. ft. Mr. Kunkle said for a wall sign, it depends on the number of occupants in the building. Ms. Lang said that although there are multiple occupants, none of the rest of them will have frontage signs, only interior signs.

Mr. Mascolo made a motion to approve the alternated signage request submitted by Keller Engineers, and also that the name of the building include "Blue Course". Mr. Clemson seconded the motion. It passed unanimously.

VI. COMMUNICATIONS TO THE BOARD

Mr. Keough said that he received numerous phone calls about the Turnberry plan. He said that he attended a webinar with Ms. Lang called "Engaging the Public," which was to help governing bodies involve the public in a planned manner, so that there is good dialogue. He also said that he attended a webinar regarding on-lot septic systems in the past two weeks.

Mr. Killian said that he attended CBICC Business After Hours, and spoke with a family that was appreciative of Ferguson's tax reminder. The county does not provide one.

Mr. Clemson said that he received a phone call about the Turnberry development, and that folks in the neighborhood would like the Township to revisit the concept of a fence separating Turnberry from the existing development. Mr. Clemson advised the caller that this should be submitted in writing.

Mr. Pytel said that he received quite a few emails about Turnberry and other problems, but that he's been able to take care of most things without bringing them to the Board.

VII. ACTION ITEMS

1. Bicycle Pedestrian Safety on Shared Use Trails

Ms. Trish Meek, Centre Regional Planning Agency, explained that a resident of Ferguson Township was concerned about individuals not using the paths correctly, particularly on bicycles. She said that typically, proper protocol dictates that people try to stay to right in single file. However, she said that children in particular may not follow this rule, and that residents must be considerate of all ages.

Ms. Meek also said that she made contact with the concerned resident, and learned that he suffers from hearing loss. This reinforces her point of realizing that many people with different needs use the bike path, and the Township should try to educate citizens on the rules.

Ms. Meek said that there are many resources on this topic, including a bicycle driver's manual from PennDOT. She said that besides distributing educational resources, the Township could hold annual activities, and engage the public in other ways as well.

Ms. Meek said that cyclists are considered vehicles according to PennDOT, and that a primary issue on the trails is bicyclists wearing headphones. She said that by law, walkers and joggers are allowed to use them on the trail, but one cannot have them in both ears in any situation.

Mr. Clemson said that this is enforceable on commonwealth highways, but asked if this was enforceable on the bike path. Chief Conrad said that she doesn't believe this is law. Ms. Meek said there's a lot of gray area, but that many who are cycling on the path at some point also ride on the road.

Mr. Pytel said that consistency amongst municipalities is important, and Ms. Meek agreed.

Ms. Meek said that state law dictates bicycles yield to pedestrians, and that a cyclist must use an audible signal before passing a pedestrian. Ms. Meek said that someone in Ferguson contacted her to let her know that when they used to live in Chicago, these rules were commonplace. Ms. Meek said that this could be possible with education in Ferguson Township. Although sirens and horns are not permitted, bells and using vocal commands are a way to alert pedestrians. She did note that individuals with hearing loss cannot detect a high pitched noise from a bell.

Ms. Meek suggested increasing trail signage, and distributing a consistent list of rules regarding trail etiquette. She suggested posting these rules in municipal newsletters, on municipal and COG websites, on the PSU website, and in the Parks Active Guide.

Ms. Meek said she recommends the "Share the Path" packet produced by the Portland, Oregon authority, and is looking into obtaining rights to it. She said it is particularly desirable because it uses graphics to explain the rules, and that federal law requires rules be accessible to those with minimal English skills.

Ms. Meek suggested timing media releases about the bike rules around when students come back to school, and the beginning of spring.

Mr. Killian suggested pavement legends, as they may be more attractive to the landscape than signs. He also suggested having brochures or signs available near the line that forms when PSU students come back to campus and register their bikes at Transportation Services.

Mr. Killian said he'd like to move at both the Township level and COG level regarding this issue. The Board agreed.

2. Driscoll Parking Lot Expansion Final Land Development Plan

Ms. Lang explained that this will add parking area on the site that is best known as the Audi/Volkswagen dealership. She said that the property spans the area between West College Avenue and Leisure Lane, which is a private road. Ms. Lang said that access to the proposed display parking would be from Leisure Lane, and that the Planning Commission has reviewed the project, and recommended conditional approval. Ms. Lang identified that there are some engineering and storm water issues that staff has required be taken care of before development. She said that from the beginning of the project, the Township's Engineer has identified the approval of this project as the best way to fix previous storm water issues.

Mr. Keough asked about the condition of Leisure Lane, and Ms. Lang said that as a private road there is nothing the Township can do, despite requests by residents of Leisure Lane for it to be widened or repaved.

Mr. Stahl reviewed his recommendations to fix the ponding and water issues, which include additional pipes be installed, and two inlets added on either side of Leisure Lane.

Mr. Stahl addressed the lighting concern, saying that shields have now been installed on the lights. He said that besides the required buffer trees, some lights will be pulled further from the property line to reduce spillover.

Mr. Keough asked who is responsible for maintenance of the pipe crossing Leisure Lane, and Mr. Stahl said the developer.

Mr. Mascolo made a motion to approve the Driscoll parking lot expansion, subject to the conditions set forth in the memorandum from the Director of Planning and Zoning dated December 5, 2012. Mr. Killian seconded the motion.

Mr. Kunkle asked Mr. Driscoll if he plans to change the hours the lights will be on. Mr. Driscoll said that he will do this.

The motion passed unanimously.

3. Saybrook, Phase 9B Final Subdivision Plan

Ms. Lang said that this is the next-to-last piece of the Saybrook Subdivision. She said that Phase 9 was authorized into sub-phases A and B, and that the final plan has been approved for part A.

Mr. Killian made motion to approve the Saybrook Phase 9B Final Subdivision Plan subject to completion of outstanding conditions as set forth in the memorandum from the Planning and Zoning Director dated December 5, 2012. Mr. Clemson seconded the motion. Mr. Keough was absent from the room for the vote. It passed 4-1.

4. Presentation of Toll Brothers Concept Plan for Whitehall Road Property

Ms. Lang said that these lots were subdivided, and the plot is near the regional park.

Ms. Lang said that a portion of the property was always zoned R4, and another portion was rezoned R4 in 2004 to match the rest of the property. She said that many of the properties in this area are rental housing for students.

Ms. Lang said that Blue Course Drive would be the main entrance and exit. She said that R4 zoning is the highest density zoning in the Township, and permits 17 units per acre. Ms. Lang said that this is one of the last vacant R4 pieces of land in the Township.

Mr. Clemson and Mr. Mascolo asked about College/Ferguson Township boundary line, and Ms. Lang said that the line is actually still undetermined. A surveyor claims the municipal boundary line is different from all other available maps, including the official Ferguson Township map, College Township's official map, and a PennDOT official map.

Mr. Charles, representing Toll Brothers, stressed that this plan is in its concept stages. He said that as of now, the developers are considering 493 units, for about 1,600 students. Mr. Charles said that the by-right density is much larger, at about 600 units, but that the developer has chosen less. He said that of the approximately 38 acres, more than 1/3 of it would remain open space. Mr. Charles said that as part of the development, the developers would create an extension of Blue Course Drive, all the way to the regional park. He said that the developers would be signaling the main entry to the property at Blue Course and Whitehall Road.

Mr. Charles said that the developers plan on putting in a sewage pump station that the regional park could also connect to and use for facilities as part of its improvements. He said that there is one parking space per bedroom planned, and it would be controlled through strictly enforced permit parking. Mr. Charles said that zoning requires a bit more than that, but the developers are proposing to accommodate spillover parking to an area to the south that could be used if it is deemed necessary by the Township. Mr. Charles said that a second aspect of the plan is storm water management. He said that the larger basins will actually not be on the parcel, but will be in an adjacent property that is owned by the University. He said the developers will have a perpetual easement to use this property.

Mr. Charles said that the developers are looking at three or four story buildings for the property, with the three story buildings would be closer to Whitehall Road. He said that there will be a mix of housing types, with unit sizes ranging from 1 to 4 or 5 bedrooms in a unit. Mr. Charles said that townhouse-like units may be on the site as well, and amenities will be in a 10,000 sq. ft. clubhouse. He said there will be one bathroom for every bedroom.

Mr. Killian asked about visitor parking. Mr. Charles said that based on market studies, the demand is less than 1 spot per bedroom, so the visitor parking is built into the ratio developed. Mr. Killian asked about the time frame for completion. Mr. Charles said it depends on many things, but perhaps by August 2015.

Mr. Keough asked about on-site management. Mr. Charles said that there will be professional management, with staff that live on the property. Mr. Keough said he doesn't see equipment storage or a maintenance facility on the plan. Mr. Charles said there will be maintenance and shop space to hold operations needed to run the property.

Mr. Kunkle asked if cottage-style housing will still be considered. Mr. Charles said it could be brought back, but right now the townhouse product, which is similar, is more heavily considered. Mr. Kunkle asked about the ultimate discharge point for sewage and if discussions with UAJA and the State College Borough have continued. Mr. Charles said no, but that in preliminary discussions, handling was not a problem.

Chief Conrad asked Mr. Charles if renderings could be completed at night as well, as this would help police comment on lighting. She said that keeping students out of the park at night will be a concern, as the parks close at dusk.

Mr. Pytel asked about the stand-alone parking lot being proposed, as these are not permitted in Ferguson Township. Ms. Lang said that the parking lot would only be constructed if a variance is granted for parking, and then later the Township determined there still wasn't sufficient space.

Mr. Pytel asked what the guarantee is that one can build the parking lot, as it would be on Penn State property. Mr. Charles said there would be a perpetual easement.

Mr. Pytel asked about the three unrelated rule per unit in Ferguson Township. Mr. Charles said that this rule only applies in certain zoning districts, and Ms. Lang confirmed this. She said that earlier in the fall, there was a discussion about the R4 parcels in the Township. She also said that the fact that this is a PRD would allow additional people per unit.

Mr. Mascolo asked if buildings would have elevators, and Mr. Charles said only in the four story buildings. Mr. Pytel asked what the height of building will be, and Mr. Charles said with the pitched roof, roughly 55 ft. Mr. Kunkle said the project is likely to be phased, instead of completed in one step.

Mr. Mascolo said that the extension of Blue Course Drive is particularly needed, and that this should be completed early on.

Mr. Modricker asked if Blue Course Drive is the only public road on the plan, and Mr. Charles said yes.

Ms. Nardoza said that she lives at Tussey View Estates, and that she is concerned that this is being constructed right next to 40 units of non-student housing in her neighborhood. She asked about the buffer. Mr. Charles said a buffer is required under ordinance, and that there would be a discussion with neighbors about how that will work. Mr. Charles said there would probably also be a fence. Ms. Nardoza said that College Township and State College Borough helped citizens get an 8 ft. fence in a similar situation. Ms. Nardoza asked if there may be a road going through the barrier, and Mr. Charles said that the developer is not proposing a connection at this point. Ms. Nardoza asked if there is traffic congestion anticipated on Whitehall Road coming from Blue Course. Mr. Charles said a traffic study will be completed as part of the project, and he said from previous student experience and CATA services it will be fully assessed.

Mr. Gondatz also lives in Tussey View Estates, and asked if there was further demand for student housing. He asked if any studies have been completed regarding this. He wanted to ensure that the project would not be stopped halfway.

Mr. Charles said that there was. Mr. Killian explained that he is a PSU student, and that every semester it is a race to see who gets stuck with the worst rental contract. He said students are looking for quality, and that students will want something modern. Mr. Killian also said that deadlines can be set for completion of the project. Ms. Lang repeated that the Township establishes deadlines, and that if a project extends beyond the anticipated 5 years time for completion, then the Board has sole discretion over deadline decisions.

Mr. Keough said that he would like to see some of these units marketed specifically with the handicapped in mind.

5. Approval of the November 2012 Voucher Report

Mr. Keough made a motion to approve the November 2012 Voucher Report. Mr. Killian second the motion. It passed unanimously.

6. Consent Agenda

Mr. Killian made a motion to approve the Consent Agenda, which includes the Treasurer's Report and Surety Reduction. Mr. Mascolo seconded the motion. It passed unanimously.

VIII. REPORTS

1. Manager

Mr. Kunkle said that the voting wards petition has been approved by the courts. He also said that the Township is losing its long-time investment advisor, from Merrill Lynch. He said that Merrill Lynch is divesting from pension plans across the country. Mr. Kunkle said that the process under Act 44 for finding another advisor involves putting out a request for proposals. He said the deadline is February, but Ferguson will likely request an extension through March 31 in order to have a clean cut between the first and second fiscal quarters.

Mr. Clemson asked if the assets will remain with Merrill Lynch, and Mr. Kunkle said no, the Township will have to start over with the money it has to invest.

Mr. Kunkle said that the Township received a thank you card from Dick Murray, who underwent open heart surgery this past Tuesday. He said that Mr. Murray is doing well, and been in touch with the Township. Mr. Kunkle visited him in the hospital, and Mr. Murray is home now, and hopes to resume work in 8-10 weeks.

2. Public Works Director

Mr. Modricker said that Verizon will be back working on Whitehall Road at the end of December, to complete overhead work by January. He said that Dincher and Dincher Tree Surgeons was in neighborhoods last week and may be continuing work next week for tree pruning. Mr. Modricker said that site distance studies were conducted at two intersections, and he will have more information about this in the near future.

3. Planning and Zoning Director

Ms. Lang said that most of the items discussed by the Planning Commission were on tonight's agenda. She said that discussions about the development of 1012 West College Avenue continued. She said that the other item discussed was the S&A's request to split phase 1 of the Landings into two sub-phases. She said that other concerns about drainage and soils on site must be resolved before recommendations can be made on phasing division.

Mr. Mascolo asked where the Kissell property is located. Ms. Lang said it's on the corner of Osmond Street and West College Avenue. She said that there are many things for the Planning Commission to consider, and that they are looking for something closer to what the ordinance states.

4. Chief of Police

Chief Conrad said that Part 1 crimes for November were up a small amount from November last year. She said that Part 1 crimes are down year to date. Part 2 crimes were up a little since last year at this time, and up overall year to date. Chief Conrad said that total crime is up a bit, but not a large amount. She said that other calls for service were down for the month and the year. Chief Conrad said there will be a more complete report about the year next month. She said that citations are up again 8% for this month, and stops are up 32% since last year. Criminal arrests are up as well.

Chief Conrad said that Ferguson police pursued a man from Harrisburg that committed thefts and then stole a car. The man crashed the car into a house in Ferguson Township. She said Ferguson Police participated with other regional police departments.

Chief Conrad said that results are in from the prescription drug take-back in October. She said 168 pounds of unwanted drugs were turned in, which was more than last year. Chief Conrad said that a jury trial found a mother guilty of abusing her son.

5. COG Committee Reports

1. Public Services & Environmental

Mr. Killian said that the recycling contract and tipping fee increases were discussed, and that new lids

were considered for the recycling receptacles at the pools. The committee decided that the cost of replacing the cracked lids cannot exceed \$1,500.

Mr. Killian also said that the committee discussed an Environmental Purchasing Policy. This policy would state that whenever COG is comparing any products to buy, it should choose the environmentally friendly option, assuming the products are equal in price and usability.

IX. ADJOURNMENT

Mr. Killian made a motion to adjourn. Mr. Mascolo seconded the motion. It passed unanimously.

With no further business to come before the Board of Supervisors, Mr. Pytel adjourned the meeting at 9:36 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 01/07/2013