

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, April 1, 2013
7:00pm

I ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, April 1, 2013 at the Ferguson Township Municipal Building. In attendance were:

Board:	George Pytel, Chairman	Staff:	Mark Kunkle, Township Manager
	Drew Clemson		David Pribulka, Assistant Manager
	Elliott Killian		Dave Modricker, Director of Public Works
	William Keough		

Others in attendance included: Kelsey Taylor, Recording Secretary; Eric Vorwald, CRPA; Mark Boeckel, CRPA; Rod Stahl, Stahl Sheaffer Engineering; Dan Jones; Robyn Froehlich; Jim Carpenter; John Sepp, PennTerra.

II CALL TO ORDER

Mr. Pytel called the Monday, April 1, 2013 regular meeting to order at 7:00pm. He also announced that an Executive Session would be held after the regular meeting was over to discuss legal and personnel issues.

III PUBLIC HEARINGS – OTHER

1. A PUBLIC HEARING ON A CONDITIONAL USE REQUEST FOR THE WHITEHALL ROAD REGIONAL PARK

Mr. Kunkle read the agenda item regarding a conditional use request filed by Stahl Sheaffer Engineering on behalf of the Centre Regional Recreation Authority. Mr. Kunkle provided an overview of a March 26th memorandum which listed the conditions to be considered under Article VI section 603 of the Places of Assembly ordinance #973. Some of the considerations that he mentioned to the Board included the fact that the current ordinance permits only a maximum of 100,000 square feet of use requires direct access to an arterial street and requires a traffic impact study. The site must be connected to public water and sewer, however there is currently no public water or sewer available from the Blue Course Drive Extension. To clarify this requirement, Mr. Kunkle encouraged the Board to consider requiring the posting of a surety bond requiring the Authority of Penn State to provide public water and sewage by the end of construction of the park. Mr. Kunkle said that the Board should also consider that the park's plan includes more than 100,000 square feet of use, but only in later phases. He noted that this requirement refers to sizes at the time of submission of a land development plan but the total square footage may be amended should the zoning ordinance be amended to increase this square footage.

Mr. Kunkle said that a traffic engineer has been engaged to complete the traffic study requirement for this site. Mr. Kunkle believed that the development of the Whitehall Road Regional Park should be coordinated with the development of the adjacent Penn State property since there are overlapping needs such as the traffic study or water and sewage service. Mr. Kunkle said that completion of the traffic study should be made a condition of approval.

Another requirement Mr. Kunkle mentioned in introducing the hearing was that all signs, other than directional, must be located on site. He reminded the board that all other items must be approved by the Board. There was some discussion on this since the current proposal did not provide details on signage.

Rod Stahl of Stahl Sheaffer Engineering addressed the March 13th request letter his firm sent the Township requesting approval of the conditional use for the park. He was joined by Dan Jones, a member of the park master planning team to address the landscaping comments and to answer any more technical questions about the park's design. Mr. Stahl went through each item Mr. Kunkle had mentioned in his introduction. It was Mr. Stahl's opinion that the traffic report should be limited in scope to the impact of the park on Whitehall Road and Blue Course Drive only. He said there is not yet a completed land development plan but he showed the Board locations based on the overall plan.

Mr. Stahl said he was asking for a limited scope for the traffic report because of the future development of the Penn State property. He predicted that the use of the University property would have much greater traffic impact than the park and would require a much larger traffic report. Mr. Stahl recommended that the study only include the immediate intersection and that it would make sense to coordinate these two studies. He said his firm did not have knowledge of any Penn State traffic study plan at the time. Mr. Kunkle said that portions of the park have the potential to be used year-round so this should also be a consideration.

Mr. Stahl told the Board that he believed the park to be in accordance with all Township noise ordinances. Mr. Keough observed that a regional park of this size is a common location for non-athletic events such as outdoor concerts as well. He said he would like to see both regional parks have the capacity for arts-related activities that could involve loudspeakers, for example. He said he doesn't want the noise ordinance to limit the potential uses of this facility. Mr. Jones said the plan does have a pavilion in the center of the park designed to accommodate small concerts or events.

Mr. Kunkle said that the noise ordinance involves decibel limits within property boundaries and would have the potential to prevent certain activities. Mr. Clemson said that the live band ordinance would normally require a permit for concerts, but was unsure if regional parks were subject to that as a government-related space. Mr. Pytel mentioned that some noise limitation would be beneficial by preventing too many disturbing activities. It was Mr. Stahl's opinion that concerts would fall under an event permit and that these can have a number of specific stipulations.

Mr. Stahl said that the park will be in accordance with all lighting standards. Mr. Keough added that this will be a dusk-til-dawn park and asked if there would be any internal lighting in the park. Mr. Stahl confirmed that this would be a dusk-til-dawn park, with the exception of lighting for certain activities that fall within township's lighting ordinance. Mr. Keough asked whether there would be permanent field lighting. Mr. Jones responded that field lighting is optional, and showed where on plan this could be. He also said that one or two of the fields may have an artificial surface. Main public areas would have lighting in Phase 1, and field lighting would be an optional addition.

The firm was planning to use paving for main driveways along with gravel in some parking areas and turf parking in others. Mr. Jones said that since not all parking would be used on a daily basis, turf would be used for the overflow parking. Mr. Keough said that some areas such as walking and biking paths or the dog park would likely be used year round, which might involve some plowing responsibilities... Mr. Keough was concerned about the existence of non-plowable surfaces. Mr. Jones pointed out where stabilized turf parking would be on the plan and said there would sufficient non-turf parking to accommodate winter activities.

Mr. Stahl said there would be storm water facilities where the sports fields are. These areas would be recessed slightly to allow water detention. In regards to Item F, he said that the proposed planned structures will not exceed 40ft in height. Potential indoor facilities in the future may exceed 40ft but Mr. Stahl said this would probably require Board approval through a variance request anyway.

Mr. Jones said that the proposed uses for the park would put it in the category for the largest and most intense buffering requirements around its perimeter. He said his firm would like to request lower buffering

requirements such as those in line with the original master plan. He said it was his intention for the park's design to allow mountain views from its central areas and that higher hedges or more buffering would interfere with these views.

Regarding signage, Mr. Stahl said that other than the directional sign along Whitehall Road, all other signs should be within property limits. Mr. Keough observed that temporary event signage is required to be approved by the Township's zoning administrator, but was concerned that this would involve too much micromanaging. He gave the example of needing directional signs for competing events at the park on the same day, which wasn't something he felt would be necessary to be approved. He asked whether the Board would want event managers to have to get their signs approved by the zoning administrator each time. Mr. Pytel said they must in order to enforce the ordinance as a whole instead of choosing certain areas to enforce and others not to. Mr. Keough asked if Park & Rec could be in charge of this instead of the Board.

Mr. Kunkle said the Board could approve this as an exception. Or the Board could narrow the definition of temporary event signage to exclude certain minor signage – for example, registration signs for athletic events. Mr. Keough commented that they had not yet dealt with this level of detail, and that each municipality would need to ensure that Parks & Rec is adhering to all their municipal regulations rather than approving these things on an individual basis. Mr. Jones said that this issue had been discussed some and it had been determined that any additional signage other than park information and rules would need to be approved. He said they would need to refine what this description would include. Mr. Keough said he wasn't sure that this issue needed to be included in this document yet. Mr. Pytel didn't want to delegate decisions to Parks & Rec without prior approval by the Board. Mr. Pytel thought it would be okay to delegate some authority but didn't want to change the ordinance.

Mr. Pytel expressed his concern regarding public water and sewage. He wanted it to be made clear and in writing how exactly the water and sewage would be put in and didn't want this to become the Township's responsibility. Mr. Keough said a previous meeting had determined there to be two main options for this; one in which an adjacent property owner would work with the park to develop water and sewage; the second option was to use loan funds to cover water and sewage expenses. He said that the adjoining Penn State property would have to develop water lines and sewage systems that would be accessible by park.

Mr. Kunkle said that the Penn State property is scheduled to be occupied by the fall of 2015 and construction could be through 2014. Mr. Kunkle said that the Whitehall property would hopefully be started this year. Mr. Keough said the two projects should be able to work together and although there could be some time gaps, infrastructure is usually one of the first parts to be completed. Therefore water and sewage would likely be developed in early 2014 rather than later. Mr. Kunkle said it was up for the Board's decision whether public water and sewer would be included in conditional use. He said that the terminology could be left general for now and then firmed up at the time of land development plan.

Mr. Pytel said it might be good to do a traffic study with consideration of athletic playoff events. Mr. Jones said that they have had similar concerns and want to have as much in place in advance as possible. He said the size limit of 100,000 square feet would just be for the application, but future improvements could be possible for larger sizes. There was one planned building – an indoor turf facility – that was planned to be approximately 112,000 square feet. However Mr. Keough said all the buildings included in the current plan are well under the size limitation. His suggestion was to leave only the necessities in the land development plan to get it approved as soon as possible, and then sit down later to discuss how to include the indoor turf facility in current ordinances. Mr. Pytel wanted to continue the public hearing until the April 15th meeting. Mr. Kunkle suggested that the staff put together a draft of conditional use for that meeting. There were no objections to continuing the hearing until that time.

COMMUNICATIONS TO THE BOARD

Mr. Keough announced that he would be attending a Leadership Centre County activity at the Ferguson Township building as part of a Transformational Leadership series. He said he has already submitted the application to participate in this activity.

Mr. Pytel discussed registration options for the 114th annual Pennsylvania Municipal League Convention would be held from June 25th-28th at the Penn Stater Conference Center. Registration costs \$215 for one day or \$295 for the full conference, therefore if anyone wanted to attend two meetings spread across different days it would be nearly twice the price. He encouraged Board members interested in attending to look at the schedule ahead of time and consider what they want to attend and when.

IV ACTION ITEMS

1. TRAFFIC CONCERNS – TEABERRY RIDGE HOMEOWNERS ASSOCIATION

Mr. Kunkle gave an overview of a letter regarding traffic concerns that the Township received from Susan Harpster, a board member of the Teaberry Ridge Homeowners Association. Her main concerns were: (a) the 50mph speed limit, particularly at the intersection with West Wind Drive and Teaberry Lane; (b) a request for a left turn arrow at Blue Course Drive and Teaberry Lane; (c) modifying the protected/prohibited left turn movement from Blue Course Drive from onto Martin Street to a left turn arrow with left turn movements being permitted on green.

Mr. Modricker read through some background information to help the Board make a decision on this issue. Regarding the West Wind and Blue Course Drive intersection, Mr. Modricker said there had been no accidents there in the past 5 years. He said they could conduct a sight distance study but based on observations he didn't think this was a sight distance issue. At Blue Course Drive and Teaberry there have been 5 reportable accidents and 8 non-reportable incidents in the past 5 years. He said this is currently a permissible turn area, but Ms. Harpster was requesting a left turn arrow there to make it a protected/permissive turn movement. At the turn from Blue Course Drive to Martin street Mr. Modricker said there have been 4 reportable accidents in last 5 years. He thought the request to study and modify this intersection may be more of an efficiency issue rather than a safety issue. He said that neither of these intersections meets the typical criteria of 5 reportable crashes within the last 5 years of a type that could be corrected by a change in the signal phase. He said that a recent Township-wide study concluded it would be better to wait to see how traffic patterns change as a result of the pending traffic signal at the intersection of Blue Course Drive and Havershire Drive as a result of the new Turnberry Development before taking any action.

The Board agreed to wait to address this item until the Turnberry light has been installed.

2. PRESENTATION ON COMPREHENSIVE PLAN UPDATE IMPLEMENTATION ELEMENT – MR. ERIC VORWALD, CRPA

Mr. Vorwald said that the Municipalities Planning Code requires an implementation plan for comprehensive plan updates, although this does not require very much detail. He said this would allow separate updates to the implementation plan instead of the entire comprehensive plan needing to be re-approved and. He introduced the three timeframes identified on the implementation element. He said there is a new section on the new metrics for reporting progress and ensuring that goals are met. Mr. Vorwald said that the Planning Commission did not have any comments to forward to the Board meeting tonight.

Mr. Keough had some comments regarding the three time frames listed. He asked if these timeframes meant that a single set of priorities agreed upon would then apply to all priorities for the region without taking into account how different each municipality is. Mr. Vorwald said the priorities identified as most

important by each municipality will be considered when determining how they would fit in with the time structure and other plans.

Mr. Keough said the presentation seemed to imply each timeframe would be done in order (short-term items first, then mid-term, then long-term) but he commented that long-term priorities must also be considered first, since many of these must be started in year 1 or 2. Mr. Vorwald said that very long-term projects like that would likely be broken up into smaller pieces. Mr. Keough said he would like to see some specification on items that are high priority but certain parts can only be implemented initially. Mr. Keough said he was pleased to see the inclusion of a metrics process in this plan since this should improve accountability and success rates. Mr. Vorwald reiterated that comments were due by April 19th but that priorities didn't have to be identified until later.

3. ZONING ORDINANCE PARKING REQUIREMENTS AMENDMENTS

Mr. Kunkle introduced the Ordinance 973 revisions dealing with on-street parking.

Mr. Killian made a motion to authorize staff to prepare an ordinance for advertising to reenact parking requirements for various uses in all zoning districts that existed prior to enactment of Township Ordinance 973. Mr. Keough seconded the motion. *The motion passed unanimously.*

4. POLICY QUESTIONS ON REGIONAL GROWTH BOUNDARY AND SEWER SERVICE AREA

Mr. Kunkle said that it is the plan for this to be on COG General Forum agenda in April or May. The Board should discuss the growth boundary and sewer service area to prepare for the April 29th meeting.

Mr. Kunkle observed that the physical impact analysis must be either calculated based on the municipal services' ability to handle expanded boundaries based on current uses of the land or that they take into account whether the extensions could be accommodated with all of the Regional Growth Boundary filled, rather than at current limits..

Mr. Kunkle said that the current feedback tells whether municipal services are able to cover the expansion area but doesn't give financial estimates. Mr. Clemson suggested that the wording may need to say that requestors need to be "prepared to provide" input but not necessarily require it since it may not always necessitate a study. The requestor should be prepared to complete an overall impact analysis. Mr. Keough said that much of the impact is difficult to predict since the type of residents attracted to an area can be a major factor in what service needs a development will create. Mr. Keough shared his opinion that any new agreement, in order to be successful, will need to better take into account the significant differences amongst individual municipalities and their needs.

5. CONSIDER AWARD OF CONTRACT 2013-C8 PAVEMENT MARKINGS

The Township only received one bid for the pavement markings contract, which was from Alpha Space Control.

Mr. Killian made a motion to AWARD Contract 2013-C8 Pavement Markings to Alpha Space Control. Mr. Clemson seconded the motion. *The motion passed unanimously.*

6. AWARD FOR 2013-C10 BIKEPATH/PARKING LOT SEAL COATING CONTRACT

The Township solicited a number of companies regarding the lot seal coating contract and received six bids, with Unico Sealing, Inc. having the lowest bid.

Mr. Killian made a motion to AWARD Contract 2013-C10 Bikepath/Parking Lot Seal Coating Contract to Unico Sealing, Inc. for the bid amount of \$31,551.85. Mr. Clemson seconded the motion. *The motion passed unanimously.*

V REPORTS

1. MANAGER

Mr. Kunkle announced that the State-College-Centre Region was designated as a Bicycle Friendly Community in 2012 and given the opportunity to install related signage. He suggested that these signs be posted at the entry to the Township rather than along the bike paths. Mr. Kunkle said he believed these signs would be on a separate post from the general township welcome sign.

The first Coffee & Conversation will be held on April 21st on West Aaron Drive at Calleo Cafe and the second on July 18th at Tudek Park Pavilion 2. Mr. Kunkle said that a few more opportunities at varying locations are likely to be announced in the Fall newsletter. He said it is up to the supervisors if they want to attend.

Mr. Kunkle said that the Township newsletter had been sent out. The Township also received a resignation letter from Bill Ziegler, the UAJA representative. His resignation was effective immediately so the position will need to be filled. It was suggested that Mr. Pytel and Mr. Mascolo review the pool of candidates and make recommendations.

The Township received a request from Benner Township for a letter of support for a new trail from Rock Road trailhead through to Spring Creek. He said that Benner is contacting each municipality in the Centre Region regarding the path. The grant application would be due April 10 so the decision on whether to provide a letter of support must be made and carried out immediately. Mr. Pytel expressed his support for the project and the Board concurred with providing a letter of support.

2. PUBLIC WORKS DIRECTOR

Mr. Modricker said the Whitehall Road detour began today and invited Board members to forward any concerns to him. He said most of the communications he has received so far were general questions about the project from residents who missed the press release or did not fully understand it. He thought it went fairly well for the first day of a major detour.

Mr. Modricker listed the projects that were currently out to bid and said that the spring public works activities would be commencing. He said he has met with the CNG expert team to ensure that it is feasible to extend the CNG line from CATA. He said that police vehicles will eventually be equipped to use CNG. He said it would cost about \$250,000 to extend a high-pressure line and install a dispenser with canopy. Mr. Modricker said that CATA was willing to provide dispensing services for the next two years but after that their security system would not allow non-CATA employees to use this service. He said it may be an option to fuel off the same line as the public dispenser at Uni-Mart.

Mr. Modricker thought it might not be worthwhile yet to install such an expensive line for just a few vehicles. He said that if an entire fleet of vehicles would be converted to CNG over time then this could translate into significant cost savings in the long-run, but not until conversions are on a larger scale. Mr. Modricker said he had met with staff members that work with CATA's CNG line to review Ferguson's project and possible building modifications.

3. PLANNING & ZONING

Mr. Kunkle briefly reviewed the revisions proposed in Turnberry project which included a reduction in the number of lots.

4. COG COMMITTEE REPORTS

a. *Transportation & Land Use*

Mr. Keough said there was a meeting earlier that day where they discussed the Universal Transit Access study, which will be available to everyone. Mr. Keough said his recommendation was to avoid reporting items as percentages but in real numbers since this would give a more accurate assessment.

Mr. Keough gave a Bicycle Friendly Community status report. He said there had been discussion about whether or not to create a bicycle committee. Mr. Keough thought it might make sense to have community cyclists involved and that creating an additional committee with elected officials may not be necessary. Mr. Killian mentioned that, since there were already several bicycling advocate groups in town, one of these groups may be willing to take on this responsibility and report back to the COG Committee.

VI ADJOURNMENT

Mr. Killian made a motion to adjourn. Mr. Clemson seconded the motion. *The motion passed unanimously.*

With no further business to come before the Board of Supervisors, the April 1, 2013 regular Board of Supervisors meeting adjourned at 9:55pm.

Respectfully submitted,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 04/15/2013